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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME:

84

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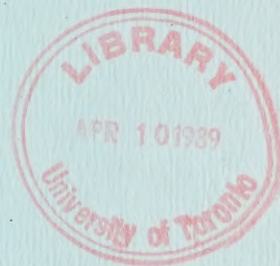
Thursday, March 30th, 1989

BEFORE:

M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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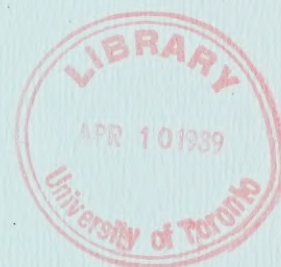


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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Thursday, March 30th,
1989, commencing at 8:30 a.m.

VOLUME 84

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MS. Y. HERSCHER)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF
MR. B.R. ARMSTRONG	ANGLERS & HUNTERS
MR. G.L. FIRMAN	
MR. D. HUNTER	NISHNAWBE-ASKI NATION and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	

APPEARANCES: (Cont'd)

MR. J.W. ERICKSON, Q.C.) MR. B. BABCOCK)	RED LAKE-EAR FALLS JOINT MUNICIPAL COMMITTEE
MR. D. SCOTT) MR. J.S. TAYLOR)	NORTHWESTERN ONTARIO ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL) MR. S.M. MAKUCH)	GREAT LAKES FOREST
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
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MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON

(iii)

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DAVID LOWELL EULER,</u> <u>PETER PHILLIP HYNARD,</u> <u>JOHN TRUMAN ALLIN,</u> <u>RICHARD BRUCE GREENDWOOD,</u> <u>CAMERON D. CLARK,</u> <u>GORDON C. OLDFORD, Resumed</u>	14002
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<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
482	Hand-drawn sketch by Dr. Euler depicting ideal moose habitat.	14032
483	Hard copy of slide depicting not so good example of forestry wildlife management.	14112
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485	Hard copy of slide depicting a good example of cooperative work between forest management and wildlife habitat management.	14115
486	Nishnawbe-Aski Nation Interrogatory Nos. 9, 10, 11 & 12 (questions and answers thereto).	14131
487	Copy of map entitled: Lac Seul Ferry Proposal, Map No. 2.	14139

1 ---Upon commencing at 8:35 a.m.

2 THE CHAIRMAN: Good morning, everyone.
3 Please be seated.

4 Mr. Freidin?

5 DAVID LOWELL EULER,
6 PETER PHILLIP HYNARD,
7 JOHN TRUMAN ALLIN,
8 RICHARD BRUCE GREENWOOD,
9 CAMERON D. CLARK,
10 GORDON C. OLDFORD, Resumed

11 CONTINUED DIRECT EXAMINATION BY MR. FREIDIN:

12 Q. Dr. Euler, I want to ask you just a
13 few brief questions about the recording of exceptions
14 to guidance provided by Moose Habitat Guidelines and
15 reporting the use of those guidelines.

16 Now, when we are talking about
17 guidelines, is there a difference between what has been
18 referred to as exception reporting and, on the other
19 hand, reporting when the direction in an implementation
20 manual has been used to develop a prescription?

21 DR. EULER: A. Is there a difference
22 between those two?

23 Q. Yes.

24 A. Yes.

25 Q. And the difference might be obvious
to some, but would you perhaps just explain what that
difference is?

1 A. Well, if you were going to write down
2 what you did to develop a prescription, that would be
3 different than if you wrote down what you did that was
4 an exemption to a guideline.

5 Q. An exception to a guideline?

6 A. An exception to a guideline, sorry.

7 Q. And if you didn't follow the guidance
8 provided in a guideline and you wanted to record that,
9 would that then be referred to as exception reporting?

10 A. Yes.

11 Q. Should the use of an implementation
12 manual be documented in the timber management plan each
13 time it is used to develop a prescription?

14 A. No, that would be an onerous task and
15 not productive.

16 Q. Could you perhaps expand a little bit
17 on that?

18 A. Well, the idea of preparing
19 management plans is that a professional person prepares
20 the plan and he integrates a great many factors in his
21 plan preparation, Guidelines are one of those factors,
22 and if this person has to write down every time he has
23 a deviation or an exemption or an exception, it becomes
24 an onerous task.

25 Now, it is a little bit different to

1 state in a general way that a guideline was followed,
2 and that is a very useful tool to refer in the plan to
3 the fact that perhaps the Bald Eagle Guidelines were
4 followed in preparation of the plan, but not at such a
5 detailed level that he ends up spending massive amounts
6 of time writing down each time a prescription is
7 prescribed for an area.

8 Q. And when I referred to implementation
9 manuals in my question, what did you understand that to
10 include?

11 A. I was understanding that to include
12 the Moose Habitat Guidelines and all the resource/
13 implementation manuals that we have in the wildlife
14 side of this process and the silvicultural guidelines
15 as well.

16 Q. I am sorry, I didn't catch whether
17 the resource manuals that have been referred to for
18 wildlife were included?

19 A. Yes, they were.

20 MR. FREIDIN: One moment, please.

21 Q. Now, you indicated that you didn't
22 think that you would have a concern about a general
23 statement that Bald Eagle Guidelines perhaps had been
24 used in the development of the plan.

25 When you say that, are you contemplating

1 a general statement in the plan as opposed to a -- or
2 would you make the same statement about a specific
3 reference about use of guidelines each time you did a
4 different prescription? Are you making a distinction
5 between those two things?

6 A. Yes, I am trying to make a
7 distinction between those two things. I don't think it
8 is necessary to make a note each time you have a
9 particular prescription. I think a generic
10 documentation saying we use the Bald Eagle Guidelines
11 in preparation of this plan is sufficient.

12 Q. Dr. Allin, I understand that the use
13 of the Fish Habitat Guidelines will be treated somewhat
14 differently in that its use will be documented for each
15 prescription in which those guidelines are used?

16 DR. ALLIN: A. Yes, that's our intent.

17 Q. Why are you treating the Fish Habitat
18 Guidelines differently from the other implementation
19 manuals?

20 A. Well, as I indicated in earlier
21 testimony, the Fish Habitat Guidelines are designed in
22 part to protect water quality and that was done at the
23 request of the Ministry of Environment.

24 In other words, one of the express
25 purposes of the fish guidelines is to protect water

1 quality as well as fish habitat, and the Ministry of
2 Environment is relying on the use of those particular
3 guidelines to protect water quality in relation to
4 timber management.

5 And the Ministry of Environment has a
6 legislative mandate to protect water quality and that's
7 basically why the use of those particular guidelines
8 will be documented.

9 Q. Moving to the question of exception
10 reporting. Is there any intention of the Ministry of
11 Natural Resources to report to the Ministry of the
12 Environment when proposed prescriptions would not
13 follow the direction provided in the Fish Habitat
14 Guidelines?

15 A. Yes.

16 Q. And is the reason similar?

17 A. Yes, that's right.

18 Q. Has there been any definition or
19 criteria identified to this date to determine what will
20 constitute an exception which would give rise to this
21 reporting requirement?

22 A. No, that will be resolved in
23 consultation with the Ministry of the Environment.

24 Q. Thank you. Dr. Euler, I would like
25 to ask you some questions about a host of different

1 issues and they seem a bit disjointed, but we will take
2 them one at a time, if I might. And the first thing I
3 wanted to deal with is a matter we discussed yesterday
4 and that is clearcut size.

5 Can you advise, Dr. Euler, whether there
6 is a maximum size or area of clearcut which cannot be
7 exceeded without adversely affecting achievement of
8 wildlife objectives?

9 DR. EULER: A. No, there is no absolute
10 number in that sense.

11 Q. Now, what I would like to do is refer
12 you to certain passages of a number of documents which
13 have been filed to date.

14 The first one I would like to refer you
15 to is the Moose Policy which is Exhibit 377. Perhaps
16 you could just get that document in front of you. Can
17 you turn to page 4 of that document. It is paragraph 8
18 that I want to refer you to. Do you have that?

19 A. Yes, I do.

20 Q. And if we look at paragraph 8, go
21 down four paragraphs. Let's read together the fourth
22 full paragraph and this is the 1980 policy:

23 "Specific habitat requirements for moose
24 vary in Ontario because topography
25 and climatic conditions are not the same

1 across the province. . To ensure that
2 timber production will not reduce the
3 quality of moose habitat, wildlife
4 managers will emphasize upper limits on
5 sizes of clearcutting operations within
6 the planning process for forest
7 management. At the same time, it is
8 recognized that not all areas can be
9 managed to maximize both timber and
10 wildlife production and compromises are
11 a vital part of the management process."

12 And you are familiar with that particular passage?

13 A. Yes, I am.

14 Q. I would also like to refer you to a
15 passage which you will find in the witness statement,
16 Exhibit 416B at page 550.

17 THE CHAIRMAN: What page is that again?

18 MR. FREIDIN: Page 550.

19 THE CHAIRMAN: Thank you.

20 MR. FREIDIN: Q. Starting at the bottom
21 of the page, second line up from the bottom, it states:

22 "The key to providing good moose habitat
23 is to maintain a variety of plant
24 communities and successional stages in as
25 diverse a pattern as possible. The

1 Moose Habitat Guidelines suggest that the
2 best habitat should provide conditions
3 that enable a moose to be within about
4 200 metres of cover at all times and
5 have a variety of early successional
6 areas close by. In timber harvesting
7 operations the manager looks for ways to
8 keep harvest areas broken into blocks in
9 the range of 80 to 130 hectares in size
10 to provide travel corridors to aquatic
11 feeding areas or other habitat and to
12 provide a variety of early successional
13 plant communities."

14 And the quote goes on and deals again with the issue of
15 tradeoffs. And are you familiar with that particular
16 quote?

17 A. Yes, I am.

18 Q. And the reference in that passage to
19 the 80 to 130 hectares, I believe, is a reference to a
20 passage in the Moose Habitat Guidelines themselves,
21 Exhibit 310?

22 A. Yes.

23 Q. And we have reference to that
24 clearcut size on page (i), the very first page of the
25 green pages under the heading: Boreal Forest Region,

1 and that reference is in the second full paragraph:

2 "...clearcuts in blocks of 80 to 130
3 hectares and leave buffer zones between
4 cuts and scattered patches of trees
5 within cut-overs. Average cut size is
6 optimal at about 100 hectares."

7 A. Yes, that's right.

8 Q. Now, is the answer that you gave to
9 the previous question that there is no absolute maximum
10 size of clearcuts which cannot be exceeded, in your
11 view, consistent with the passages that I have just
12 referred you to?

13 A. Yes, I believe it is.

14 Q. Can you explain why you believe it is
15 consistent?

16 A. Yes, I can, and I would like to start
17 by showing a couple of pictures of clearcuts and in
18 showing those pictures then talk about what we are
19 trying to do in our policy approach. These are a
20 couple of illustrations of points that are necessary
21 background before I explain why there is not an
22 inconsistency here.

23 The first picture that I am going to show
24 is part of handout -- the handout entitled Exhibit 472,
25 page 8. The important point that we have to have as

1 background information of clearcut size in this whole
2 issue is that clearcut size in and of itself is not
3 enough. Many other considerations have to be
4 considered when you are dealing with clearcuts in the
5 boreal forest and of those considerations size is only
6 one.

7 Furthermore, sometimes size is very
8 important; other times it is not so important and,
9 therefore, it is imperative that clearcut size be kept
10 in perspective.

11 Now, the first point I wanted to
12 illustrate on this graph is just simply the difference
13 that can occur in the real world between two clearcuts
14 that are exactly the same size but to a moose they are
15 very different clearcuts.

16 In the one case, if the moose is in the
17 centre it would be 200 metres from cover; in the other
18 case, he would never be anything further than a hundred
19 metres from cover no matter where he was in that
20 cut-over.

21 Even though if you and I went out and
22 measured the size of that clearcut, particularly in
23 hectares, we would come to the conclusion they were of
24 the same size, but to the moose, if the moose measured
25 that clearcut, he would find two very different

1 clearcuts that meant two very different things to him.

2 Furthermore, not only is size and shape
3 of the cover important, but the surrounding forest is
4 also important. In this illustration there are two
5 clearcuts of exactly the same size and exactly the same
6 shape, but because of the surrounding plant communities
7 each of them would mean something quite different to a
8 moose.

9 Q. And we are looking at page 9 now of
10 Exhibit 472.

11 A. So, for example, the first cut-over
12 on the upper left part of the graph would very likely
13 be of much more value to a moose simply because the
14 surrounding plant communities are much more likely to
15 have the kind of either early winter or possibly late
16 winter habitat that the animal's needs, it could feed
17 in the cut-over very likely and so, in a way, the
18 dining room is right next to the bedroom, and that's a
19 pretty desirable situation for a moose.

20 Now, in the other part of the slide, the
21 overmature jack pine normally doesn't provide either
22 food or very much cover to a moose and so, in that
23 case, the dining room is a long ways from the bedroom
24 and the moose would view that as a less desirable
25 situation.

1 The point I am trying to make is, you
2 simplye cannot look at size and shape of cut-overs as
3 the only criteria.

4 Now -- so, in the absolute sense we don't
5 want to come up with the situation where there is an
6 absolute size of a clearcut that cannot be exceeded
7 because in overmature jack pine, for example, on sand
8 flats and large amounts of sandy soil, there probably
9 are not very many moose there anyway, it simplye isn't
10 good moose habitat and so, from the moose's point of
11 view, there is probably very little problem having an
12 extensive clearcut.

13 Or even the other kinds of wild animals
14 that have adapted to that jack pine sand flat have
15 evolved over time with those conditions and when they
16 are harvested in a logging operation, in the eyes of a
17 spruce grouse or a field sparrow that is there, it
18 probably doesn't make very much difference.

19 On the other hand, we know that good
20 moose habitat and good wildlife habitat is a very
21 diverse area with lots of different plant communities
22 in close proximity. And so in terms of guidance, when
23 we give guidance to managers and when they are
24 operating forest operations in areas of good habitat,
25 what we are trying to achieve is a good mix of

1 different kinds of plant communities so that the
2 bedroom is next to the dining room as much possible,
3 and one of the tools that can be used is clearcut size
4 under these circumstances.

5 So we try to steer a middle ground
6 between an absolute rule that says: Don't go larger
7 than a certain size, and the common sense approach that
8 says: Well, break the cuts up wherever you can to keep
9 the proximity of the food and the proximity of the
10 cover as close as possible.

11 Q. Dr. Euler, if in a wildlife
12 management unit you can meet your moose target in less
13 than the total area of the wildlife management unit,
14 what does that mean, if anything, regarding the
15 application of the Moose Habitat Guidelines on the rest
16 of the unit?

17 A. Well, what we would say in that case
18 is: The guidelines do not have to be applied as
19 rigorously in the rest of the unit.

20 If we are striving to achieve objectives
21 of moose populations, there may be units where one
22 could apply the guidelines rigorously over a
23 substantial portion of the unit and then less
24 rigorously in other portions of the unit in order to
25 make these tradeoffs that are very important to both

1 the industry that harvest timber and the recreational
2 needs of people who wish to hunt or view moose.

3 Q. Now, if you don't apply the moose
4 guidelines rigorously on the entire unit because you
5 have met your moose population on a lesser area of the
6 wildlife management unit, what effect, if any, does the
7 non-application of the guidelines in a rigorous fashion
8 have on the 70 per cent of the species which rely on
9 the same habitat as do moose?

10 A. Well, it may provide somewhat less
11 habitat for them; however, we have to keep in context
12 what those population levels are doing and by
13 monitoring those populations, then we would decide or
14 determine if they had gotten below the level that was
15 acceptable as a viable population.

16 And most of the time that won't happen
17 because no wildlife species is distributed evenly
18 across the landscape; they occur in clumped, irregular
19 distributions and, consequently, what we are concerned
20 about is the provincial population of these animals.

21 And so we don't have to apply the
22 guidelines rigorously everywhere in order to meet the
23 objective of a viable population.

24 THE CHAIRMAN: Dr. Euler, why are the
25 objectives set in such a way that you look only at the

1 provincial population and not the population of a
2 specific area if the animals or wildlife would occur
3 there naturally?

4 Like, why is it considered to be a good
5 objective as long as you maintain a level of population
6 when in effect, because of activities, you might be
7 removing from a particular location in the province
8 wildlife that would otherwise normally live there?

9 DR. EULER: Well, because that's the way
10 the boreal forest has always worked because it is a
11 catastrophe forest. So periodically major events have
12 happened; fires, budworm, whatever and it has removed
13 that habitat quite normally. And the animals that live
14 there have evolved to cope with that.

15 So the Black-throated Green Warbler that
16 goes south in the wintertime and spends its winter in
17 Central America and he comes back to where he nested
18 last year and lo and behold it is gone because a fire
19 occurred; he copes, he goes somewhere else to nest.

20 THE CHAIRMAN: Would you apply a
21 different standard for the other forest?

22 DR. EULER: Which other forest?

23 THE CHAIRMAN: Well, the--

24 DR. EULER: The Great Lakes/St. Lawrence.

25 THE CHAIRMAN: The Great Lakes/St.

1 Lawrence, for instance.

2 DR. EULER: Well, no, because it is still
3 more practical and more -- makes more sense to measure
4 these populations at the provincial level because the
5 boreal forest is a catastrophe forest and just is
6 normally naturally that way, but within the Great
7 Lakes/St. Lawrence there are a number of normal
8 fluctuations in any population of animals.

9 So if you go to a particular point and
10 there are no American Redstarts there, that in itself
11 is not enough to make you alarmed. What should make
12 you alarmed is when that major population starts going
13 down, then you know you have a very pervasive problem.

14 A good example of that is Peregrine
15 Falcons. In the late 40s when DDT was introduced as a
16 mosquito control, it wasn't known at the time that DDT
17 began to affect the egg shells of Peregrine Falcons,
18 the egg shells got thinner and thinner and they weren't
19 able to reproduce.

20 Well, it took about 10 or 12 years for
21 this fact to show up, and it only shows up when you do
22 these big provincial monitoring schemes. Well, at
23 that point then, people began to realize: We have a
24 pervasive environmental problem with DDT and this bird
25 of prey.

1 Now, the Cape May Warbler is a good
2 example, that is a bird that specializes in spruce
3 budworm. Spruce budworm is epizootic and it can occur
4 in various parts of the forest. Well, when the budworm
5 increases then Cape May Warblers increase because there
6 is lots of spruce budworm for them to eat.

7 So the normal course of events is Cape
8 May Warbler populations are up and down quite normally
9 and it is only if you track them at big levels over
10 long periods of time that you begin to have an
11 understanding of when a real problem occurs versus an
12 apparent short-term problem.

13 THE CHAIRMAN: Thank you.

14 MR. MARTEL: Isn't there a similar
15 problem with the loon -- about the shells with loons?

16 DR. EULER: There are several problems
17 with loons, it doesn't happen to be with DDT. There is
18 a major problem with acid rain with loons because of a
19 destruction of their food source and there are some
20 problems with loons and cottage development along
21 lakeshores where they nest.

22 MR. MARTEL: I understood that there was
23 a problem with the shell.

24 DR. EULER: Well, to the best of my
25 knowledge there isn't a problem with eggshell thickness

1 in loons. That's mostly been in birds of prey like
2 eagles and Peregrine Falcons where, because of this DDT
3 problem, it causes a thinning of the eggshell and the
4 birds were not able to reproduce.

5 I don't think -- as far as I know, that
6 isn't a problem with loons. They don't eat the same
7 kind of creatures.

8 MR. FREIDIN: Q. I would like to ask you
9 a few questions about partial cuts. Can you comment,
10 Dr. Euler, on whether partial cuts, where you go into a
11 stand and you only take out a portion of that stand in
12 the boreal or the Great Lakes/St. Lawrence Forest
13 regions, does that leave that amount -- pardon me, when
14 you go in there, you do a partial cut and you leave an
15 amount of residual trees, is that positive, negative or
16 neutral from a wildlife management point of view?

17 DR. EULER: A. Well, it is very
18 difficult to generalize and say it is always one or the
19 other. Sometimes it is positive; sometimes it is
20 negative.

21 Often it can be positive if the trees
22 that are left die because of the snags that they
23 create, and maybe we will just take a quick look at a
24 couple of pictures that illustrate that just to point
25 out a positive aspect.

1 One of the things that often happens in
2 partial cuts is in the subsequent time period the trees
3 that are left die. And this is a snag, it shows
4 exactly what can happen and why it is useful to
5 wildlife because a number of species nest in snags.
6 This is an example of one, the Yellow-bellied
7 Sapsucker.

8 Oh, those slides are -- the cavity in the
9 tree was slide -- was No. 23 in the witness statement
10 and the Yellow-bellied Sapsucker was 24 in the witness
11 statement.

12 Q. Can we go back to the Yellow-bellied
13 Sapsucker.

14 A. Yes.

15 Q. Okay.

16 A. Yes, he is just -- there are some
17 young in that hole there and those are insects in his
18 beak he is taking in to feed the young that are in the
19 nest cavity. Without nest cavities, Yellow-bellied
20 Sapsuckers can't reproduce. So from a wildlife stand
21 point, we don't want those snags eliminated from the
22 forest.

23 Now, in this slide, which is Document 1,
24 Exhibit 416A from Peter Hynard's presentation, slide
25 1.1.3, we talked about how -- Peter talked about how

1 this was a clearcut of poplar and in the back you see
2 those birch trees that he referred to and he said they
3 would probably die following this treatment.

4 I just want to point out that from a
5 wildlife standpoint that's pretty good and we are happy
6 to see those trees die because that means after they
7 are dead there will be insects attacking them, they
8 will be weakened, there will be cavities excavated and
9 in terms of partial cuts in this case, it is very
10 positive for wildlife.

11 Q. Mr. Greenwood, can you comment that
12 if you go into a mixed wood stand and you harvest the
13 conifer content out of it only, does that have any
14 effect on the longevity of the residual stand?

15 MR. GREENWOOD: A. Yes, I think on the
16 whole that it would. We heard a little bit from Mr.
17 Hynard about the post-logging decadence in white birch
18 and I think it would be partially related to species;
19 it would also be partially related to the degree that
20 you open that stand up, so the amount that was taken
21 out of the stand, the percentage that was still
22 remaining, and it also would possibly relate to the
23 degree of physical damage that took place to the trees
24 that were remaining in that physical damage can open
25 wounds for introduction of diseases and insects.

1 Q. And how would the longevity compare
2 in that situation where you take out a partial cut in
3 comparison to where you had no cutting at all?

4 A. It would increase the rate of breakup
5 of that stand.

6 Q. Okay. I would like to spend a few
7 moments, Dr. Euler, and deal with some questions in
8 relation to the work of Dean Baskerville.

9 Now, there are a number of documents that
10 have been referred to to date which deal with
11 integrating management for wildlife management habitat
12 and timber, and the documents which I am going to refer
13 you to are Exhibit 405 which was the Brief to the
14 Standing Committee on the Environment and Forestry.

15 Are you familiar with that document?

16 DR. EULER: A. Yes, I am.

17 Q. I am also going to be referring you
18 to -- we will be dealing with Exhibit 378, and that's
19 the Panel 8 witness statement but, in particular, there
20 is an article by Dean Baskerville at page 363.

21 MR. FREIDIN: One moment please, Mr.
22 Chairman.

23 Q. And also I will be referring perhaps
24 briefly to Exhibit 16 which is Baskerville's Audit
25 Report of Timber Management in Ontario. I take it you

1 are familiar with the last two documents I mentioned?

2 DR. EULER: A. Yes, I am.

3 Q. Were you familiar with the work of
4 Dean Baskerville aside from sort of reading those
5 articles as a result of this particular environmental
6 assessment?

7 A. Yes, I am. I have been at a number
8 of lectures by Dr. Baskerville and have talked with him
9 personally.

10 Q. What is adaptive management?

11 A. I like to think of it as management
12 with a built-in learning process. I never asked him if
13 he agrees with that, but I think that is what he is
14 saying.

15 Q. Perhaps you should expand on that.

16 A. Well, the idea -- the basic idea, in
17 my own words, is simply that you try to take account of
18 your errors learn from them and change. It sounds very
19 simple and it is very simple, and I think I am sure he
20 would agree with that, but what he does that is perhaps
21 different from other people is he makes that process a
22 little more rigorous and he defines it a little more
23 strictly. And so if you follow his process, you are
24 more disciplined in learning about your errors.

25 And I think that is the area that makes

1 what he says relatively unique. Because we all make
2 errors and we can all admit quite readily that we make
3 them. Sometimes we are not as ready to learn from them
4 as we might be, and we tend to perhaps not keep as good
5 a record of our errors as we should, because
6 psychologically you don't like to think about when you
7 made a mistake and yet it's the mistakes that really
8 let's you learn about how and where to change.

9 Because if you do it right, you can do it
10 right for the wrong reason, but if you make a mistake
11 you very often learn much more.

12 Q. Now, I think you indicated in your
13 earlier evidence that Dean Baskerville who was at the
14 sort of end of that continuum that you showed, that
15 that was a vision that he had. Is that the word that
16 you used?

17 A. I think that is a good word to
18 describe what he is advocating is a vision, yes. And
19 the idea is, this is something that ones strives for
20 and you may never fully attain, but you certainly
21 should strive for it.

22 Q. And he speaks about goals in a lot of
23 his work.

24 A. Yes, he does.

25 Q. Can you sort of explain the vision in

1 your own words incorporating this concept of the
2 importance of having goals?

3 A. Yes, I can. And I would like to use
4 as a little bit of a help handout, Exhibit 472, page 10
5 and there is a slide of that as well, just to point out
6 in my own words what I think he is saying.

7 Q. I think we can leave the lights off.
8 Can people at the back see that all right.

9 A. The key idea here is adaptive
10 thinking which is this idea of keeping track of your
11 errors and learning from them. In order to do that you
12 have got to set a goal, that is clearly the first step.
13 Without goals you can't measure your progress because
14 if you don't know where you are going, there is no way
15 to tell whether you have made any progress from the
16 point where you are. So it's extremely important to
17 develop goals.

18 Second, Dr. Baskerville would say those
19 goals must be quantitative and if they are not
20 quantitative then you can't make a measurement that has
21 any meaning, and what you do then is measure progress
22 towards those goals: How are we doing, where are we
23 today, where are we likely to be tomorrow, and where
24 are we likely to be by the year 2000.

25 It's almost always true that in natural

1 resources when you set your goal the only thing you can
2 be certain of is you will probably be wrong in some way
3 about that goal, because managing resources is not
4 totally predictable under any circumstances. So the
5 only thing you can be certain of is somehow you are
6 going to be wrong.

7 When you are wrong you readjust and by
8 doing that over and over again you do progressively
9 better resource management. Psychologically it's hard
10 sometimes to admit that you are wrong, that your goal
11 may have been in error or so aspect of your measurement
12 was in error, or you did something wrong. It's very
13 hard to stand up there and say I was wrong, and
14 psychologically we resist that. And Dean Baskerville
15 is saying let's try to stop that, because in the
16 interest of better management, you must admit and learn
17 from those errors.

18 Q. I would like to refer you to Exhibit
19 405 which is the Brief to the Standing Committee and I
20 would like to refer you to page No. 2 of that document.

21 A. Yes.

22 Q. And there is a section on page 2 near
23 the bottom entitled Management Basics.

24 A. Yes.

25 Q. Now, the first two sentences read:

1 "The key to management and, therefore, to
2 integrated management is to set goals
3 that are realistically attainable using
4 available tools. The goals must be
5 measurable so that it is possible to
6 assess progress towards them."

7 And are those the goals or the concept that you were
8 referring to in your evidence?

9 A. Yes.

10 Q. Now, we have heard a lot of
11 discussion in the hearings to date regarding
12 quantitative objectives. Now, is there any connection
13 between quantitative objectives and these measurable
14 goals?

15 A. Yes, I think they are very similar
16 and for all practical purposes are the same thing.

17 Q. Okay. Do wildlife managers in
18 Ontario have quantitative and, therefore, measurable
19 objectives?

20 A. Yes, we do, and I think we have
21 talked about some of them, but a good example of one is
22 that we have a goal of having 160,000 moose in the
23 Province of Ontario by the year 2,000. That is a
24 measurable goal and is a clear goal.

25 Q. And could you explain how these

1 objectives are quantitative? Now, that is one example
2 and you gave some evidence earlier that objectives are
3 expressed in different ways.

4 A. Yes.

5 Q. Are any of those other ones
6 measurable goals?

7 A. Well, we have measurable goals as we
8 talked about in the SLUP documents where we talk about
9 deer populations, deer harvest, bear, bear harvest and
10 recreational days. Most of those are quantifiable
11 goals and quite clearly quantifiable in terms of
12 numbers of something.

13 Then we have this viable population goal
14 which is a little more fuzzy and is not as quantitative
15 as one would like and I think this points out some of
16 Dr. Baskerville's ideas, that it is very difficult to
17 set some of these goals.

18 Q. Now, is there a difference between
19 quantitative goals or targets for a population of a
20 particular wildlife species and quantitative target or
21 goals for habitat?

22 A. Yes, there is, and that is sort of
23 the next level of sophistication. You see, Dr.
24 Baskerville would advocate that one sets these broad
25 goals as we have, the population goals, then the next

1 level of sophistication is to set a quantitative goal
2 of habitat so that it can be linked to the goal that
3 you are trying to achieve.

4 Thus he would advocate, for example, that
5 when we develop a management plan on a given area for
6 timber management, he would say we should have the
7 ability then to say how many moose could be grown,
8 raised or supported on that piece of land based on the
9 combination of habitat features that are there.

10 Now, that is a much more sophisticated
11 goal and we have those goals in Ontario as well,
12 although they are not nearly as sophisticated and well
13 developed as we would like or as I am sure Dr.
14 Baskerville would like to have us see.

15 And I have an example of that, I just
16 drew it on the flip chart this morning before we
17 started. I will put that over and show you more
18 specifically what we mean by a habitat prescription
19 with a goal.

20 At a conference of moose managers about
21 two years ago where moose managers from across North
22 American gathered to discuss moose habitat, all the
23 experts in the room got together and asked the
24 question: What is good moose habitat and they tried to
25 define it in a quantitative way so that it could be

1 given to people. If someone said: What is the
2 absolute ideal moose habitat, the moose experts said
3 this is it.

4 And it's based on a quantitative formula
5 which I have written here which you probably can't read
6 and I will say them out loud. This is based on -- this
7 particular example is based on a ten-by-ten kilometre
8 area and if it is ideal moose habitat it would have 15
9 per cent of this area in the mature spruce/fir plant
10 communities; it would have 5 per cent of the area in
11 wetland aquatic feeding areas; it would have 40 per
12 cent of the area in shrub and early successional areas.

13 These areas -- this 40 per cent shrub and
14 early successional would be very much like that picture
15 I showed you with the moose and the sunlight on its
16 nose right knee deep eating in the poplar, I believe it
17 was.

18 And the last component is 40 per cent
19 upland deciduous landscape. This would be very much
20 like the picture I showed you of the bull moose in
21 early winter with scattered shrubs and scattered trees.

22 Now, this kind of habitat in Ontario
23 would be expected to support two moose per square
24 kilometre. That is what Dr. Baskerville means when he
25 says you should set quantifiable habitat goals. So

1 that we could then say as we developed a prescription,
2 if at the end of a timber management cycle this is the
3 habitat that is left, we would expect two moose per
4 square kilometre and, at the same time, if we could
5 only produce half of the ideal moose habitat, one would
6 expect then to have about half the moose that are
7 there.

8 Now, this particular item that I am
9 showing you here represents a reasonably sophisticated
10 attempt to quantify these goals. Back in 1980 when we
11 developed the moose management policy we just did not
12 have the knowledge or the expertise to be this
13 sophisticated and we attempted to do this process by
14 developing the Moose Habitat Guidelines and what we
15 said back there is:

16 If you follow the Moose Habitat
17 Guidelines we expect you to have about .39 moose per
18 square kilometre using those guidelines which are
19 perhaps it would be fair to call them
20 semi-quantitative.

21 We have talked about distance from cover,
22 that is a quantitative measure, we've talked about
23 clearcut size, that is a quantitative measure, but it
24 isn't nearly as sophisticated as we would like to be or
25 Dr. Baskerville would advocate in his process.

1 THE CHAIRMAN: Dr. Euler, would you mark
2 that as Exhibit 482, please.

3 ---EXHIBIT NO. 482: Hand-drawn sketch by Dr. Euler
4 depicting ideal moose habitat.

5 MR. MARTEL: How far would Dr. Bakerville
6 take this approach? In other words, what variety of
7 wildlife -- would he apply it to all wildlife?

8 DR. EULER: Oh yes. In his vision that
9 he describes one would then have, for each species of
10 wildlife on the management area, a similar
11 prescription, you see.

12 So for Black-throated Green Warblers you
13 would have this prescription, for Short-tailed Shrews
14 you would have this prescription and so on.

15 Now, this becomes -- it becomes feasible
16 with computer technology. See, it isn't feasible
17 without computer technology, but with computer
18 technology, this knowledge is coming to us at explosive
19 rate. So that right now we know, or in the literature
20 there is research and studies that would give us the
21 knowledge to prepare management plans for a very large
22 majority of the 309 wildlife species in Ontario.

23 The problem is the management effort
24 required to take that knowledge and bring it into the
25 management stream is enormous, to take that knowledge

1 and get it into computers using all the modern tools is
2 a very big and expensive job.

3 THE CHAIRMAN: Dr. Euler, would you not
4 have the additional problem if you tried it of the
5 learning curve for the field managers; you are having
6 trouble at this stage just managing for two or three
7 featured species--

8 DR. EULER: That's right.

9 THE CHAIRMAN: --and part of the argument
10 is, is that you have got the knowledge in some cases
11 you have got the experience, but it's trying to get
12 that level of experience down to the actual field
13 managers.

14 DR. EULER: That's right.

15 THE CHAIRMAN: If you tried it with 309
16 species, even if you had the computer data to pump out
17 the ideal habitat for each and every species, how would
18 it ever be absorbed practically in the field to the
19 point where it could be applied?

20 DR. EULER: Yes, that's right. That is
21 very major problem and a good point. Now ideally, you
22 see, what you would do, if this all worked the way it
23 should, is the forester would not or the biologist
24 would not have to have in their head all this
25 knowledge, what they do is sit down at a computer

1 keyboard and they would type in a question and the
2 question might be: How many -- how many hectares of
3 Black-green Warbler habitat do I have out there now?

4 The computer would say the answer, and
5 then the person would type in the phrase: After we
6 harvest in the way prescribed how many hectares of
7 Black-green Warbler habitat would we have. And the
8 computer would spit back an answer.

9 So it might go from a hundred to a
10 thousand, or it might go the other way. So the
11 knowledge doesn't have to be in the head of the person,
12 it has to be in that computer.

13 THE CHAIRMAN: But don't you have to
14 still be able to ask the right questions?

15 DR. EULER: Well, yes, but I think that
16 is a little easier task to teach how to ask the right
17 questions than to teach all the knowledge.

18 But, Mr. Chairman, I don't want to -- I
19 still want to support your point that this is a major
20 job and getting that knowledge to the field manager is
21 extraordinarily difficult. It's a very good point.

22 MR. MARTEL: When you are finished
23 punching everything in and out though, what kind of
24 information would you have before you in terms of when
25 you have to consider how much wildlife, the variety of

1 wildlife in a given area, the variety of trees and so
2 on in a given area, would you come up with anything
3 that would be right?

4 DR. EULER: Well, you see, part of the
5 adaptive management is, is you are always wrong. You
6 see, that is what you have got to face and as resource
7 managers we face this every day; we are always wrong in
8 somebody's perspective.

9 And being wrong is not something that is
10 horrible, being wrong and refusing to learn from it, is
11 what is bad. And so sure we make lots and lots of
12 mistakes, but if we kept at it we would get better and
13 better and better and eventually then, we would do a
14 good job.

15 THE CHAIRMAN: You could sort of say
16 under the theory that being wrong is actually right?

17 DR. EULER: Yes, you could put it that
18 way.

19 THE CHAIRMAN: Makes sense.

20 DR. EULER: Well, it's just part of being
21 a civil servant, you see.

22 MR. FREIDIN: Q. I think, perhaps moving
23 along here, asking a question that I think arises from
24 what Mr. Martel was asking - and perhaps I am just
25 asking it in the same way - if you got all this

1 information in relation to all these species and you
2 are trying to pick habitat for all these species, would
3 there be a conflict between the habitat needs of all
4 the species?

5 DR. EULER: A. Oh yes, that would be one
6 of the very difficult problems that you would have to
7 solve is, there would be conflicts in certain cases
8 between various species and their habitat needs.

9 You have still got tough judgments and do
10 you manage for moose or short-tailed shrews, for
11 example. Well, clearly, that isn't so tough a choice,
12 but you might have times where you had to choose
13 between managing for moose and caribou who do have some
14 very conflicting habitat needs. So this process
15 doesn't eliminate tough choices.

16 What it would do, in Dr. Baskerville's
17 opinion, is it would help make those choices clear. So
18 when you made them, at least you knew for sure what you
19 were doing and what the consequences of those choices
20 were.

21 THE CHAIRMAN: But just going back to one
22 more point, but if you went through that, if you had it
23 all in the computer, you asked the right questions, you
24 got your answers, and you then designed the plan with a
25 certain type of prescription, certain type of.

1 harvesting activity--

2 DR. EULER: Right.

3 THE CHAIRMAN: --what would happen if
4 somewhere during the course of a plan, either before
5 the harvest or after the harvest you had a natural
6 disaster, a fire, do you have to go right back to
7 square one and go through the whole thing again?

8 DR. EULER: Oh no, no. You just -- you
9 would input then the natural disaster.

10 THE CHAIRMAN: And adjust--

11 DR. EULER: Yes and adjust --

12 THE CHAIRMAN: --accordingly?

13 DR. EULER: Oh yeah.

14 THE CHAIRMAN: The same way as you would
15 normally?

16 DR. EULER: Yes, the same way you would
17 normally, yeah. You would just type in: Hey, Mr.
18 computer, we had a fire over there and it burned 3,000
19 hectares, what do I do. Now, the computer says: Well,
20 that just ruined your short-tailed shrew population.
21 Well then, you would say: Fine, okay, I can live with
22 that. You know, and it might say: But 25 years from
23 now your moose are going to be doing very well in that
24 area. And then as a manager you would say: Great,
25 that is fantastic.

1 On the other hand, the computer might
2 say: Well, you just lost all your moose winter shelter
3 in that fire. Then as a manager I would say: Well, I
4 have got a problem and I have got to solve it somehow,
5 I have got to find some more winter shelter for moose
6 in some vicinity that is reasonable.

7 THE CHAIRMAN: It sounds like if this all
8 comes about you could be almost totally redundant?

9 DR. EULER: Yes, but I will be retired by
10 then and it probably won't matter.

11 MR. FREIDIN: Q. Well, being retired by
12 that time, I was just going to ask you: How long are
13 we talking about here? If one actually went along and
14 pursued this vision, how long would it take to actually
15 achieve it, assuming you could achieve it in any case?

16 DR. EULER: A. Yes. Well, it is
17 certainly a very long time and it's truly a vision.
18 It's something that we will never achieve in our
19 lifetime.

20 And certainly Dr. Baskerville talks about
21 you need to get through one or two rotations of the
22 forest to begin to arrive at this. So that is -- you
23 are talking already on the order of a couple of hundred
24 years.

25 See, I think what we have to think about

1 in this whole process, the core idea is adaptive
2 management, management with a built-in learning
3 process, so that when you make mistakes you learn from
4 those mistakes and you try to keep thinking about the
5 full array of vertebrates that are in the forest. And
6 as you learn and as you progress, you do a
7 progressively better job.

8 We are at the featured species management
9 stage in Ontario right now and we may well stay there
10 for some period of time just because of all of these
11 points that you are bringing up, Mr. Chairman, that we
12 can't move to some sophisticated and perhaps illusiary
13 goal.

14 Q. Could you turn to exhibit 472, page
15 7. That is the document that had the increasing
16 complexity of management.

17 A. Oh, the continuum.

18 Q. The handout.

19 A. Oh yes. Can we do that with the
20 slide projector because I don't have a handout right
21 now.

22 Q. Sure.

23 A. Well, it looks like we are going to
24 have to use the handout.

25 Q. Dr. Euler, by indicating the various

1 management options that we have on that particular
2 document, Increasing Complexity of Management: we've
3 got diversity, we've got featured species, moving to
4 indicator species, and multi-species management.

5 And I think you indicated yesterday that
6 multi-species management is where that vision would be
7 achieved; that is, where Dean Baskerville -- that is
8 Dean Baskerville goal at the end?

9 A. Yes.

10 Q. Now, by presenting that particular
11 exhibit, did you intend to imply any qualitative
12 judgment as to which approach is better or which
13 approach the Ministry should be taking at the present
14 time?

15 A. No, that was not my intention. What
16 I wanted to illustrate in this continuum is this idea
17 of the increasing complexity of management and these
18 are the management tools that are generally available
19 to habitat managers.

20 These tools have been used and each of
21 them has pros and cons and the point of this graph is
22 to just show the array of tools and arrange them on an
23 order of complexity.

24 That doesn't imply that one is better
25 than the other, it does indicate that things on the

1 right-hand side are much more complex than things on
2 the left-hand side.

3 Q. In your view, can you achieve your
4 objectives with any of these approaches?

5 A. Yes. You can achieve your objectives
6 with any of these approaches.

7 Q. Could you briefly discuss the pros
8 and cons of each of those approaches?

9 A. Certainly. The idea behind managing
10 for diversity is, you would instruct your people to
11 goal up in their management planning, produce diversity
12 and that is about all you would say: Go out and
13 produce diversity. In doing that then, the manager
14 looks for ways to break up cuts, to have different
15 age-classes, he would accept the fact that disease is a
16 normal part of that forest, that there would be dead
17 trees and live trees. It would just be a very diverse
18 problem -- product.

19 The problem then is, it's hard to link
20 that with a goal. So, for example, if we said we
21 should have 160,000 moose and how are we going to have
22 habitat for 160,000 moose, well, get diversity. It's
23 hard to see the link between the two.

24 And so it can be done, but it's kind of a
25 shotgun hit and miss, let's hope we make it approach.

1 It doesn't mean it won't work, it just means it's less
2 linked. And people such as Dr. Baskerville are not
3 advocates of this approach because of this lack of link
4 between the goal and the management action.

5 Now, featured species has the advantage
6 of the fact that you can focus the management
7 organization on the species that is being managed, you
8 can develop brochures, it's very -- relatively easy for
9 people to learn about the featured animal and habitat
10 prescriptions can be applied such as the one that I
11 showed here on Exhibit 482. And this is a fairly
12 straightforward formula that virtually anyone can apply
13 in the management planning process.

14 The disadvantage is you may well not
15 provide habitat for some species outside the featured
16 species framework, you may miss some things, and that
17 is something that we have to be concerned about.

18 We talked about how we evaluated our
19 featured species approach and we felt that the featured
20 species approach was dealing with about 70 per cent of
21 the other vertebrates in the forest, but there are the
22 30 per cent that we need to take some other management
23 action about.

24 So the disadvantage is the featured
25 species approach is not enough in itself. Relatively

1 simple, relatively straightforward and can be
2 implemented.

3 Q. Now, with the featured species
4 approach where you are featuring the management of a
5 relatively small number of species as opposed to
6 managing for every species, does that allow you to set
7 quantitative objectives and use those quantitative
8 objectives in a fashion that Dean Baskerville would
9 suggest?

10 A. Yes, it does and a good example is
11 our moose program. We have a quantitative objective
12 and we are working on getting ever more sophisticated
13 formula for habitat parameters to meet that objective.

14 The first ones we applied were relatively
15 unsophisticated. We are now moving in a more
16 sophisticated direction, and that seems to be working
17 well.

18 Q. And with the management for
19 diversity, which is the left-hand side of this
20 continuum, that ability to have quantitative objectives
21 is not part of that?

22 A. Well, you can set quantitative
23 objectives. The problem is there is just no link
24 between what you do and the objectives. And so if you
25 make it, you are lucky; if you don't make it, you are

1 unlucky. And that is perhaps, in some people's view at
2 least, not a desirable situation.

3 Okay. Now, indicator species are a
4 little more complex. The advantage is if you do a good
5 job of picking them, and let's say you had six
6 indicator species, you have a better chance of
7 providing habitat for all the vertebrates that are in
8 the forest.

9 So just to give you an example.
10 Supposing in Ontario we adopted the indicator species
11 approach and we decided to manage for chickadees,
12 wolves, yellow-throated vireos, spruce grouse and
13 short-tailed shrews, we would almost certainly provide
14 habitat for all of the other vertebrates that are in
15 the forest and be able to attain a lot of our
16 objectives.

17 The problem is it is increasingly more
18 complicated because now we have got to have guidelines
19 for six or seven different species, we have to get that
20 knowledge to the people in the field. Some of the
21 species that are the best indicators are not
22 necessarily popular or well known and so a certain
23 amount of skepticism arises about why you are managing
24 for short-tailed shrews even though you might have a
25 very good biological/ecological reason. So the

1 acceptability of that doing that is more difficult in
2 the climate that we have to work in.

3 This is the basic approach that the U.S.
4 Forest Service adopted and they go through a very
5 public process in picking their indicator species and
6 they invite the public to come in and make submissions
7 about which species should be part of the indicator
8 species management and they end up on a national forest
9 having 10 or 12.

10 Well, that's more costly. Some of the
11 problems, Mr. Chairman, that you talked about with
12 multi-species management come up, getting the knowledge
13 out there, using the computer technology. The
14 advantage is there is a closer link between the goals
15 and the management action, even closer than featured
16 species.

17 THE CHAIRMAN: Dr. Euler, you mentioned
18 that in your view there could be three or four
19 indicator species that would pick up almost a hundred
20 per cent?

21 DR. EULER: Yes.

22 THE CHAIRMAN: If you know what they are
23 and you have already included in the featured species
24 side of things species that will pick up 70 per cent,
25 is that not the direction to go towards in Ontario?

1 In other words: Yes, it will be more
2 difficult to get the information disseminated but with
3 computer technology, et cetera, you are not looking at
4 a great number to pick up closer to the hundred per
5 cent, you are only looking at adding three or four more
6 so-called featured species?

7 DR. EULER: Yes, that's right, Mr.
8 Chairman, I agree. What we really need to do in
9 Ontario is move our spot from where we are just
10 slightly to the right, and that's why I put this as a
11 continuum, you note too, because the gradations between
12 featured species and indicator species get a little
13 blurry as you move.

14 And, that's right, I think by moving a
15 bit to the right without incurring massive extra cost
16 we can improve. Yes, I agree with that point of view.

17 Now, there are still advantages of that
18 multi-species approach and I would not like you to get
19 the impression that I am negative to this approach, and
20 I don't think you are either, but I think we have to
21 recognize that the cost is going to be very, very high
22 and whether it is worth that cost, I just don't know.
23 The big negative on multi-species management is cost.

24 MR. FREIDIN: Q. And if I just might go
25 back to something yesterday when we were talking about

1 the featured species versus the indicator species --

2 THE CHAIRMAN: Mr. Freidin, if I could
3 just interrupt, I just want to ask one more question of
4 Dr. Euler.

5 If you increase -- if Ontario went a
6 little more to the right and you increased the number
7 of featured species to pick up protection of habitat
8 closer to the hundred per cent of all vertebrates--

9 DR. EULER: Mm-hmm.

10 THE CHAIRMAN: --would the results of
11 that be measurable or verifiable in the ten-year type
12 increments of time as opposed to waiting for two
13 rotations, as Dr. Baskerville would say you need for
14 the last --

15 DR. EULER: Oh yes, yes. Oh, clearly it
16 would be, very definite.

17 THE CHAIRMAN: So that would be a clear
18 advantage in your view--

19 DR. EULER: Oh yeah.

20 THE CHAIRMAN: --in terms of being able
21 to verify the results of your efforts--

22 DR. EULER: Yes, that's right, clearly.

23 THE CHAIRMAN: --over the last one?

24 DR. EULER: That's right, that would be
25 another advantage. You would know within about a

1 decade. Really you would now -- well, maybe even --
2 actually maybe even sooner than that, as long as you
3 keep this monitoring program going so every single year
4 you are checking to see what's happening.

5 See, that's the key to it, we have to
6 keep that monitoring program going so that once we spot
7 a problem we can begin to solve it immediately.

8 MR. MARTEL: But we're moving -- we have
9 moose and we have deer and you talked yesterday about
10 moving to caribou.

11 DR. EULER: That's right.

12 MR. MARTEL: If you were asked to name
13 the next three or four that would reduce that 30 per
14 cent that we talked about yesterday.

15 DR. EULER: Mm-hmm.

16 MR. MARTEL: Would you be in a position
17 to identify those now?

18 DR. EULER: Oh yes, sure. The next one I
19 would pick would be a raptor, a bird of prey, because
20 it is a top predator in the food chain, and I would
21 pick the Great Gray Owl in the boreal forest and the
22 Red-shouldered Hawk in the Great Lakes/St. Lawrence.

23 You see, they occupy a position in that
24 mature forest niche, they are area sensitive and if you
25 provide habitat for Great Gray Owls and Red-shouldered

1 Hawks and you probably -- see, then you would also have
2 to pick up a species that's very snag dependent, and I
3 would pick a woodpecker, probably the Pileated
4 Woodpecker, and then you pick up virtually all of the
5 vertebrates.

6 The only thing you miss will be some
7 very, very specific specialists that somehow just have
8 this very, very, very specific habitat and the only way
9 you can ever deal with them is on very specific
10 prescriptions.

11 THE CHAIRMAN: Wouldn't they be
12 automatically covered effectively by endangered or
13 threatened specie-type legislation?

14 DR. EULER: Yes, probably. Probably, Mr.
15 Chairman. I just -- there might be something that we
16 have missed. I am just trying to make sure that I am
17 accurate there.

18 I can't think of anything that we missed
19 but there might be something that just doesn't come to
20 my mind right now, but virtually everything would be
21 taken care of.

22 MR. FREIDIN: Q. Now, Dr. Euler, again
23 going back to what we were discussing yesterday when we
24 were talking I think about the same subject matter.

25 Moving a bit further to the right on

1 featured species, is it your view that you have
2 verified with existing information that today's
3 approach, the featured species approach, is providing
4 for the 70 per cent through management for moose and
5 there is no indication that there is any problem with
6 the other 30 per cent, would that evidence have any
7 effect on the need -- the actual need at this time to
8 add an additional featured species or move or identify
9 indicator species?

10 DR. EULER: A. Well, yes, it does, Mr.
11 Chairman. And what it means is we don't have to rush
12 out of the room this afternoon and add the other
13 species, we have a little time.

14 This isn't a crisis situation, we are
15 able to plan a bit down the road and, as of right now,
16 those species that I have identified as the 30 per cent
17 that may not have habitat provided for by this featured
18 species approach, as far as we know, none of those
19 species are in any trouble with the possible exception
20 of that Red-shouldered Hawk which, as you know, is a
21 difficult issue and we are very concerned about it.
22 But none of those 30 per cent are in trouble.

23 Now, our concern is trying to think down
24 the road 10 years and take actions now that prevent
25 them from becoming a problem. So as of now no

1 problems. So we are trying to think about a decade
2 ahead here, as best we can, and by the time a potential
3 problem is actually here we hope to have management
4 actions to deal with it.

5 Q. And are you intending to put into
6 place something which will address that other 30 per
7 cent between now and some time in the future?

8 A. That's the subject of on-going
9 discussion and I hope that we will be able to do that.

10 Q. Is your monitoring program going to
11 target this 30 per cent in any way?

12 A. Oh yes, the monitoring program will
13 target the 30 per cent and it will -- the money will be
14 spent on the 30 per cent first so that we can get some
15 early warning indications if a problem appears to be
16 developing.

17 Q. And is that particular action,
18 monitoring, an important thing to do in determining how
19 much more management action is required?

20 A. Oh yes, yes, that's a very important
21 point. And I see that as a key point as a responsible
22 agency. The first thing you have to do is figure out
23 where your problems are because until you do that there
24 is no point in even trying to apply a solution because
25 you may apply an inappropriate solution.

1 Q. Thank you. Now, just going back over
2 here to Exhibit 482 for a moment. Is there any
3 jurisdiction that is as sophisticated in terms of this
4 relationship between habitat and population as you have
5 described either in -- that Dean Baskerville talks
6 about?

7 A. I don't know of any jurisdiction that
8 is implementing this fully. I just don't know of any.
9 It is very difficult. Now, there are jurisdictions
10 that are in the early stages of this, but none that I
11 know of have been able to actually implement it.

12 Q. Now, if one were to assess Ontario's
13 wildlife management against Dean Baskerville's first
14 management goal of measurable goals, where would
15 Ontario be?

16 A. Well, I think we have taken the first
17 step with our measurable goals of population numbers
18 and we are working very hard on step No. 2, which is to
19 make quantitative links between the goal and the
20 habitat. An example of this is what I have just put on
21 the flip chart here.

22 Q. Now, does Dean Baskerville make any
23 observations in his writings about the extent to which
24 he has encountered quantitative and, therefore,
25 measurable objectives of the type that he advocates?

1 A. Yes, he makes a comment and I think
2 he said, to paraphrase him, that he has very rarely
3 seen this in management agencies.

4 Q. And if I can refer you to the witness
5 statement for Panel No. 8, Exhibit 378, I would like to
6 refer you to the article by Dr. Baskerville which
7 starts at page 363.

8 Do you have that document in front of
9 you?

10 A. I have a quote in front of me, yes.

11 Q. Page 366, starting on the right-hand
12 side, the very last word, I guess it just starts on
13 page 366, however, it says:

14 "The relationship between target
15 populations and the specification of
16 habitat types in geographic patterns
17 should be stated quantitatively. It will
18 continue to prove difficult if not
19 impossible to have habitat enter the
20 forest management decision process if the
21 goal is simply to make habitat better.
22 This sort of reasoning says that if you
23 take this action the habitat will be
24 better and having taken the action then,
25 by definition, the habitat is better."

1 Now, that's a description, is it not, of the manage for
2 diversity?

3 A. Yes, I would say it is, yes.

4 Q. He then goes on, he says:

5 "Decision-makers do not like such logical
6 merry-go-rounds. However, I do believe
7 that decision-makers will consider
8 habitat measures that relate to
9 measurable population goals."

10 And then he continues on down at the last three lines:

11 "All that is necessary is that there be a
12 specified relationship of habitat
13 availability to the subject wildlife
14 population."

15 And is that what Ontario is in the process of doing?

16 A. Yes, that's what we are trying to do.
17 This is an example of it here. You remember that we
18 linked the expression of habitat elements here to a
19 specific number of moose. In this case, two moose per
20 square kilometre.

21 Q. And this case being Exhibit 482?

22 A. Exhibit 482, that's right. And we
23 put quantitative numbers about the composition of the
24 plant communities that should be there.

25 Q. Could I refer you to Exhibit 405,

1 again that's the Brief to the Standing Committee on
2 Environment and Forestry of the House of Commons. And
3 can I refer you to page No. 6.

4 Do you have that, Dr. Euler?

5 A. Yes, I do.

6 Q. There is a heading on the page,
7 Making Integration Happen in the Forest.

8 A. Yes.

9 Q. And you will note in the second full
10 paragraph he starts with the words:

11 "The big need is for quantitative
12 specifications for wildlife habitat."

13 A. Yes.

14 Q. And in the paragraph which begins at
15 the bottom of the page -- in fact, I think the best
16 thing to do is read the paragraph which begins at the
17 bottom of the page, he says:

18 "To be successfully integrated, habitat
19 management must move away from vague
20 principle and achieve measures, however
21 tentative, that permit implementation and
22 assessment of management effectiveness.

23 Examples of this exist. Dr. Thomas, who
24 will address your committee, has shown
25 in his landmark work on habitats in the

1 Blue Mountains that it is possible to
2 make the first approximation and to
3 design and implement management of
4 habitat pattern."

5 And he then goes on in the next paragraph and refers to
6 some super examples in Canada of, I think, the same
7 thing.

8 Now, first of all, where are the Blue
9 Mountains?

10 A. They are in Oregon and Washington.

11 Q. And what do you know about the work
12 which is going on or has gone on in the Blue Mountains
13 and in British Columbia referred to by Dean
14 Baskerville?

15 A. Well, I have been in both the areas
16 referred to, I have read material about it and I have
17 talked with both of those people in general terms about
18 the work.

19 Q. And based on your understanding of
20 what has taken place in those other jurisdictions
21 regarding the design and implementing the management of
22 habitat pattern, how does Ontario compare?

23 A. Well, I think it is fair to say that
24 we could also use this word "first approximation" that
25 Dr. Baskerville uses in the top of that paragraph. And

1 the first approximation is our effort to have Moose
2 Habitat Guidelines and link them to a number of moose.

3 And just let me remind you about that,
4 what we have said formally and officially is that when
5 you implement the Moose Habitat Guidelines we expect
6 about three nine -- .39 moose per square kilometre,
7 that's the first approximation. What I would have on
8 the flip chart is a second approximation, a little more
9 specific, a little more sophisticated.

10 Now, in the Blue Mountains of Oregon, Dr.
11 Jack Ward Thomas, who is certainly a leading person in
12 this field, attempted to do something very similar;
13 that is, he looked at the habitat needs of wildlife in
14 that area and he made a first approximation of what
15 those needs were and of something about how many might
16 be there.

17 He published this in a book and he
18 considered all of the vertebrates that were in the
19 area. It is a landmark leading work. It is much more
20 qualitative than quantitative, but as Dr. Baskerville
21 says, it is a first approximation on this -- on the
22 road to the vision that he describes.

23 The other example is in British Columbia
24 where a group of scientists - and the interesting thing
25 about this is this group of scientists worked with

1 industry, with university and government people, they
2 all worked together on this with financing coming from
3 all three groups - and they studied black-tailed deer
4 on Vancouver Island.

5 In that case, again they did what Dr.
6 Baskerville describes, they made a first approximation
7 of the habitat needs of black-tailed deer on Vancouver
8 Island and they made an attempt, a rough
9 unsophisticated attempt to say how many deer would be
10 there under specific habitat conditions.

11 MR. FREIDIN: Mr. Chairman, this would be
12 an appropriate time for a break.

13 THE CHAIRMAN: Okay. We will take 20
14 minutes. Thank you.

15 ---Recess taken at 10:00 a.m.

16 ---Upon resuming at 10:25 a.m.

17 THE CHAIRMAN: Thank you. Be seated.

18 MR. FREIDIN: Q. Dr. Euler, just before
19 we move on to another area that Dean Baskerville writes
20 a fair bit about, I would like to just refer you back
21 to Exhibit 482, and could you, just perhaps for
22 purposes of clarification, indicate what that exhibit
23 represents?

24 DR. EULER: A. I think it represents a
25 piece of biological knowledge, just some factual

1 information.

2 Q. And is that type of biological
3 knowledge reflected in the Moose Habitat Guidelines?

4 A. Yes, that type of knowledge is
5 reflected in the guidelines although these specific
6 numbers are not there.

7 THE CHAIRMAN: I don't know that we got a
8 specific title, Mr. Freidin, for that. I put on
9 Euler's sketch re: ideal moose habitat.

10 DR. EULER: Yes, that's fine. Ideal
11 moose habitat because that's what it is. It just
12 represents the very best habitat. If the moose can
13 choose where to live he is going to go there. That is
14 sort of, what, 124 Park Avenue kind of thing.

15 MR. MARTEL: Exodus from Toronto.

16 DR. EULER: Pardon?

17 MR. MARTEL: Exodus from Toronto.

18 DR. EULER: Yes.

19 MR. FREIDIN: Q. Let me ask you some
20 questions about constraints. Dean Baskerville talks
21 about that a fair bit, I think you agree with that, Dr.
22 Euler?

23 DR. EULER: A. Yes, he does.

24 Q. Now, I am just going to read to you a
25 passage from Exhibit 16, page 12. It is not

1 particularly long. I think it may be a section that
2 has been referred to a number of times since Panel 1,
3 And I am speaking about the first full -- or the full
4 paragraph immediately above the heading: Area
5 Regulation. Page 12 of Exhibit 16. He says:

6 "The fundamental problem with the
7 integration of non-timber values in the
8 cases examined is that they are not being
9 managed towards any measurable objective
10 level."

11 Then he says:

12 "The non-timber values enter the
13 management planning process as
14 constraints to timber management design
15 and not as part of an objective for
16 forest management design."

17 And it is the second sentence that I wanted to focus
18 on. Could you advise what is meant by constraints in
19 that context?

20 MS. SEABORN: Mr. Chairman, I don't want
21 to interrupt Mr. Freidin, but during cross-examination
22 with respect to earlier MNR witnesses referring to this
23 report there was some objection made to asking
24 witnesses and speculating what Dean Baskerville meant.

25 I think it is fine for Mr. Freidin to ask

1 his witnesses what he would mean -- what Dr. Euler
2 would mean by constraints, but not an interpretation of
3 what Dr. Baskerville meant in that context.

4 THE CHAIRMAN: I think that objection is
5 well founded to some extent, Mr. Freidin. We are going
6 to be calling, as you know, Dr. Baskerville to get
7 around this problem we have all had as to speculating
8 what we meant. You can certainly, Dr. Euler, indicate
9 what you think words mean.

10 MR. FREIDIN: All right, that's fine.

11 THE CHAIRMAN: To say what you think he
12 meant, I think is going a bit far.

13 DR. EULER: Okay.

14 THE CHAIRMAN: You may be entirely wrong.

15 DR. EULER: Right, okay.

16 MR. FREIDIN: Q. All right. What do you
17 believe the words mean?

18 DR. EULER: A. I think constraint means
19 that in the process of managing for timber and in
20 preparing a plan someone else, often a biologist, comes
21 in and imposes a condition on the planning process and
22 says you may not do this activity or you must reserve
23 this piece of timber on behalf of my interest.

24 I would see that as a constraint because
25 the timber harvest process then can't take timber that

1 it normally would because of another value.

2 THE CHAIRMAN: Dr. Euler, just going
3 back, to get the chronology straight in my mind. This
4 statement here was obviously made - I am referring to
5 the paragraph that Mr. Freidin just referred to above
6 the title: Area Regulation, Exhibit 16--

7 DR. EULER: Yes.

8 THE CHAIRMAN: --prior to the Timber
9 Management Guidelines for Moose Habitat--

10 DR. EULER: Yes, that's right.

11 THE CHAIRMAN: --being enacted even in
12 draft form?

13 DR. EULER: Well, no, they were available
14 in draft form.

15 THE CHAIRMAN: All right. Now, do you
16 know of your own knowledge whether or not Dean
17 Baskerville would have had access to the draft
18 documents when he wrote that statement?

19 DR. EULER: I do not know from my own
20 knowledge. The guidelines were certainly available in
21 the district offices and that sort of thing, but
22 whether he actually saw it, I just don't know.

23 THE CHAIRMAN: Thank you.

24 MR. FREIDIN: Q. What's the situation in
25 Ontario in your view vis-a-vis this constraint

1 management?

2 DR. EULER: A. Well, we do operate in a
3 constraint environment in many aspects of our
4 management process. We do, as biologists, impose
5 constraints in the meaning of that term on the timber
6 management planning process in that we ask the company
7 many times to reserve timber on behalf of wildlife
8 objectives or other reasons, timber that they would
9 normally cut.

10 Q. Well, let me refer you to Dean
11 Baskerville -- another comment that he made about
12 constraints. I am referring to Exhibit 405, page No.
13 8. Do you have that?

14 A. Page 8?

15 Q. Yes.

16 A. Yes, I do.

17 Q. It is the last paragraph of that
18 particular document. It says:

19 "There is little resistance to habitat
20 management; there is much resistance to
21 habitat constraints. If one cuts through
22 the rhetoric, there are good things
23 happening in resource management in
24 Canada. The skills are there, the skills
25 are becoming focused on the problems and

1 the agreement to work together is there."
2 And I think when he is talking about working together,
3 he is talking about foresters and wildlife managers; is
4 that correct?

5 A. Yes.

6 Q. He says:

7 " This environment for positive change
8 should be supported and exploited."

9 Could you comment in your view whether that statement
10 in any respect is true of the Ontario situation?

11 A. Well, I think it is true. To the
12 extent that we have applied constraints, there has been
13 resistance, and I think most of us who work for the
14 Ministry and the Ministry itself doesn't find this a
15 highly desirable situation.

16 At the moment it seems as though, given
17 the state of management, we do in some cases have to
18 apply constraints but we are moving away from that as
19 best we can to try to bring into partnership timber
20 management to work towards achieving these goals.

21 This isn't something that just happens
22 overnight but, as we increase our knowledge, as we
23 develop new and better management programs, we want to
24 move away from constraint and indeed we are.

25 And if you look at the degree of

1 constraint that's applied in Ontario compared to other
2 provinces across the -- across Canada, I think you
3 would find that we are certainly not that bad in terms
4 of the Canadian experience and the degree of constraint
5 that we have to apply is not that bad if viewed in a
6 total national perspective.

7 MR. MARTEL: How do you get around it?

8 DR. EULER: The constraint business?

9 MR. MARTEL: Yes.

10 DR. EULER: Well, you get around it by
11 having clear goals and working towards those goals. So
12 ideally -- and, Mr. Martel, I have to again kind of go
13 to this vision idea, is you would say to the manager of
14 the land: Please produce "x" number of cunits and "x"
15 number of moose on your land and we will help you by
16 bringing some knowledge into the process.

17 But your goal, Mr. Manager, is to produce
18 wood and timber, and we are not going to tell you that
19 you must leave a reserve of 65 metres on every stream;
20 what we are going to tell you is, please produce
21 timber, moose and ovenbirds. And that's how you get
22 away from it.

23 MR. MARTEL: But in the final analysis it
24 is still not -- if someone has to limit where they are
25 going to cut in order to achieve that, isn't that a

1 constraint?

2 DR. EULER: Well, it could be described
3 that way perhaps. What some people think is crucial is
4 the difference between the way you approach it.

5 If you say to the manager: Please
6 produce these items in the best way you can, that is
7 considered better than saying: Please don't cut under
8 certain circumstances because we would like to have
9 another resource value.

10 It is kind of a subtle point, but it is
11 often made and the difference is considered crucial.

12 MR. FREIDIN: Mr. Chairman, I would ask
13 permission to ask what this witness' understanding is
14 as to what Dean Baskerville means when he uses the term
15 constraints, just his understanding of what Dean
16 Baskerville means, if that's a proper question.

17 THE CHAIRMAN: Well, we get back into the
18 same problem really, you know. Dr. Euler comes up with
19 an answer, and it really is his opinion of the word and
20 you really can't attribute it, I don't think, to Dean
21 Baskerville because we don't know what Dean Baskerville
22 thought.

23 MR. FREIDIN: All right.

24 THE CHAIRMAN: Fortunately I think we are
25 all going to have an opportunity to find out what Dean

1 Baskerville thought and presently thinks in terms of
2 these terms.

3 . MR. FREIDIN: Q. You indicated that in
4 Ontario that you believe you are moving away from that
5 constraint. Can you advise me whether the philosophy
6 of integrated resource management of the Ministry of
7 Natural Resource plays any role in that?

8 DR. EULER: A. Well, certainly it plays
9 a role because the Ministry is committed to integrated
10 resource management and in that commitment it is very
11 clear that a number of values need to be produced from
12 the land base. And the way you do that is working
13 together to produce those values, not in the constraint
14 environment where one value is constantly saying to the
15 other value: No, you may not do the following.

16 The idea here is to try to be cooperative
17 as opposed to constraining on each other. And the
18 conversation that might occur would be: Well, if we
19 can produce moose over in this part of our management
20 area, why don't we leave the other area to produce wood
21 and the sum total will be beneficial and will meet the
22 common goals and objectives that we have set.

23 Q. Can you advise whether the timber
24 management planning process, in particular, the
25 planning teams plays any role in that movement away

1 from constraint?

2 A. Yes, I think it does. I think the
3 planning team brings various knowledge and various --
4 represent various client groups to the planning process
5 and they would bring that knowledge to the planning
6 process and by planning that very early you can
7 minimize the activity where one value constrains
8 another.

9 Q. In referring to Exhibit 405 back to
10 page No. 2, I think is where we started dealing with
11 Dean Baskerville's report. Do you have that, Dr.
12 Euler?

13 A. Yes, I do.

14 Q. Back to the heading, Management
15 Basics.

16 A. Yes.

17 Q. And after making the -- I read to you
18 the first two sentence which dealt with the importance
19 of measurable objectives.

20 A. Mm-hmm?

21 Q. Continues on the fourth line, he
22 says:

23 "The goals must encompass control across
24 the full extent of the forest for the
25 full time horizon of the management

1 effort. That is a tall order in any
2 resource."

3 What does that mean in a practical sense; I think it
4 would encompass control across the full extent of the
5 forest for the full time horizon of the management
6 effort?

7 A. I think it would refer to the fact
8 that the entire forest must be managed and you can't
9 just leave parts of it alone, all of it must be brought
10 under management and over the full time horizon of the
11 management effort, it usually refers to at least a
12 rotation. So on the order of a hundred years plus or
13 minus, depending on the species involved.

14 THE CHAIRMAN: Well, why would you manage
15 parts of the forest in which you have no intention, for
16 instance, to extract certain resources?

17 I mean, there must be vast areas of the
18 boreal forest that you are not going to cut, you don't
19 intend to cut, you are going to leave them in a natural
20 state in perpetuity virtually.

21 Why would you worry about managing that
22 area of the forest.

23 DR. EULER: Well, you see, management in
24 this context is used in the broadest possible meaning,
25 and so you are managing it in the sense that you are

1 drawing a ring around it and just saying: We are not
2 going to cut any trees, we are just going to leave it
3 alone.

4 THE CHAIRMAN: Because you are managing
5 by saying there will be no activity?

6 DR. EULER: Yes.

7 THE CHAIRMAN: And that is a form of
8 management?

9 DR. EULER: Yes, that is the management
10 decision. See, some of our timber now that has gone to
11 overmature stage hasn't happened because of a clear
12 management decision, it has happened because we just
13 haven't been able to get there and that is a little
14 different situation.

15 THE CHAIRMAN: Thank you.

16 MR. FREIDIN: Q. All right. Dean
17 Baskerville refers to the task of having a goal -- or
18 that goal as being a tall order in any resource. Do
19 you agree?

20 DR. EULER: A. Yes, I do.

21 Q. Why?

22 A. Well, because to do this management
23 across the full extent of the forest for the whole time
24 horizon is a very expensive, time consuming and
25 difficult process and to integrate all of these

1 resources together in something other than a constraint
2 environment is a very, very big job. All of the
3 knowledge base has to be brought to bear.

4 It is extremely to make some of these
5 decisions that have to be made. How do you trade off
6 the value of jobs versus great gray owls; how do you
7 trade off some of the difficulties with managing moose
8 or managing caribou. And the decisions become
9 increasingly difficult and increasingly more
10 complicated.

11 Even after you have more knowledge about
12 what your actions might mean, it doesn't make the
13 decisions easier in fact, in some ways, it makes them
14 harder.

15 Q. Now, my last question in relation to
16 these various selective portions of Dean Baskerville,
17 can you advise whether any of the basics as he has
18 described them on page No. 2, Exhibit 405, are being
19 addressed in Ontario?

20 A. Would you just remind me where that
21 is, please?

22 Q. Page 2.

23 A. Yes.

24 Q. I am talking about the --

25 A. Management Basics.

1 Q. --Management Basics.

2 A. Mm-hmm.

3 Q. And talking about the quantitative
4 objectives, talking about the -- perhaps not all on
5 Exhibit 402, having a better understanding of the
6 relationship between the management actions and effects
7 on other resources.

8 Are those sorts of things being addressed
9 in Ontario?

10 A. Well, yes, as best we can, we are
11 working on all of those things; the technology base,
12 trying to get some dollars into this area, and also to
13 recognize that there will be a transition period.

14 MR. FREIDIN: One moment, please. One
15 moment, please. Okay.

16 Q. I would like to move to the topic of
17 old growth forests. Is the term old growth forest a
18 term which has been around for a long time, Dr. Euler?

19 DR. EULER: A. Well, in my experience it
20 has been around for, oh, probably the last 10 or 12
21 years.

22 Q. Can you explain how that term evolved
23 and the circumstances under which it evolved?

24 A. The most significant problem with old
25 growth forest is on the west coast and there has been

1 quite a bit of controversy and difficulty in managing
2 forests and wildlife in the west coast. And the term
3 has been used mostly in reference to that west coast
4 forest, particularly the temperate west coast rain
5 forest where trees are very long lived, on the order of
6 700 and 800, a thousand years.

7 And that forest is a very -- grows in a
8 very stable condition. It is a different kind of
9 forest than we have in Ontario because it is not
10 periodically renewed by catastrophic events. It is a
11 very stable long-lived forest growing in a very stable
12 eco-system.

13 After these trees have reached several
14 hundred years of age, they come into this condition
15 that has been called old growth, yet they are past the
16 point of maturity as we would describe it, and the
17 structure of that forest is different from mature
18 forest in that there is dead and dying trees; some
19 trees are on the ground, some trees are still there and
20 growing and very healthy but very old.

21 When the forest -- a tree falls others
22 come in in that space, and in that setting some
23 wildlife have adapted to this stage in the forest
24 beyond maturity into this idea called old growth.

25 Now, that old growth forest problem has

1 been most prominent in the west coast where there is
2 clear evidence, unequivocal evidence that some species
3 of wildlife have evolved to need that old growth forest
4 which is beyond maturity.

5 Q. The trees there that are beyond
6 maturity, are their ages different than trees which are
7 described as old growth in Ontario?

8 A. Yes. Because of the nature of that
9 forest, those trees are very, very long lived; where in
10 Ontario, we don't -- it's just never have we had trees
11 that would live to equivalent ages because our forest
12 is a catastrophe forest that periodically recycles.

13 So mature trees in this country -- in
14 Ontario are something on the order of 100 years plus or
15 minus, and if we had an equivalent stage in the forest
16 here that we would term old growth - and some people
17 have - it certainly would be a much younger forest than
18 in the west coast.

19 Q. What kind of years are we looking at
20 in terms of the old growth on the west coast?

21 A. Well, those trees -- it is normal
22 life span of those trees is measured in several
23 hundreds years. So 700 or 800 years is a normal life
24 span. So old growth is probably beyond that kind of
25 timeframe, certainly in excess of 700 or 800 years.

1 Q. And is there any significance to the
2 fact that the concept or the concern for old growth
3 forest in terms of the concern about wildlife, evolved
4 in that context; i.e., out on the west coast where the
5 trees live to that age?

6 A. I think there is some significance in
7 that we can't equate the west coast problems with our
8 problems.

9 It doesn't mean we don't have some
10 problems in this area, but we just have to be very
11 careful that we don't assume that the problems are the
12 same in Ontario that they have in British Columbia.
13 And we have problems, but they are different kinds of
14 problems and our problem of old growth forest is
15 substantially different than the problem in the west
16 coast and I think it is important that we not confuse
17 the two.

18 Q. Is Ontario examining in any way what
19 is happening with wildlife in what might be termed old
20 growth forest in Ontario?

21 A. Yes. That was part of our efforts in
22 our featured species paper was to try to look at the
23 similar problem in Ontario and understand the
24 dimensions of it. And we came to the conclusion that,
25 in Ontario, it is very difficult to find any species of

1 wildlife and we don't know of any that has evolved to
2 be specifically adapted to the old growth stage in
3 Ontario.

4 Now, the old growth stage in Ontario
5 would be much younger than in the west coast, let's say
6 for purposes of discussion something in the order of
7 200 years, and all of the wildlife that we know of in
8 Ontario that adapted to the later stages of forest
9 succession seemed equally adept at living in mature or
10 older forest. We don't know of anything that has
11 adapted to that old growth forest.

12 So our concern has been for mature and
13 older forests, because we believe that those species of
14 wildlife, just to take an example, the pileated
15 woodpecker, as near as we can tell that bird is quite
16 adept at living in mature forest as well as old growth
17 forest.

18 Q. If I could just refer you to the
19 witness statement to page 586.

20 A. Okay.

21 Q. Or Mr. Greenwood's paper.

22 A. Mm-hmm.

23 Q. He has listed in Table No. 6 a number
24 of species and it is entitled: Species Preferring
25 Mature and Old Growth Forest Habitat Exclusively.

1 And is the evidence that you have just
2 given about species in Ontario not having been
3 identified to have it exclusive one or the other
4 applicable to this table?

5 A. Yes, it is, and this is a list of
6 species that, based on our best knowledge, prefer
7 mature and old growth forest habitat exclusively. And
8 what we mean by that is, they don't need the early
9 successional stages like moose need early successional
10 stages; they find all their habitat needs in this
11 mature and old growth forest.

12 THE CHAIRMAN: But what would happen if
13 the old growth forest wasn't there, could they exist in
14 the early successional stages?

15 DR. EULER: No, no, no, no.

16 THE CHAIRMAN: They can't.

17 DR. EULER: They have got to have mature
18 and old growth. Now, if all the old growth were gone
19 and there was adequate mature, our knowledge would
20 suggest that they would be satisfied, there habitat
21 needs would be satisfied.

22 MR. FREIDIN: Q. Is the population
23 monitoring program that you are implementing going to
24 be addressing in any way this potential link between
25 old growth and exclusive habitat?

1 DR. EULER: A. Yes. We are very
2 concerned about this, what I have described as our best
3 available knowledge, however, we want to continue to
4 look at that, continue to measure that and continue to
5 assure ourselves that what we have said holds up over
6 time.

7 We are going to be monitoring all of
8 these species and keeping track of their provincial
9 population levels and then we will also have some plots
10 established to deal with some of the specific locations
11 where they are found.

12 MR. MARTEL: Is the marten phasing out -
13 pardon me - is the marten phasing -- are you having
14 problems with marten?

15 DR. EULER: Not provincially.

16 MR. MARTEL: No.

17 DR. EULER: In local areas there are
18 local declines in marten, yes, but not provincially.

19 MR. MARTEL: And is that due to some
20 trend or catastrophe as far as the marten is concerned?

21 DR. EULER: Mm-hmm. Well, our knowledge
22 would say at the moment that it is a normal fluctuation
23 of marten populations. The problem, of course, becomes
24 if a trapper has a trapline and his population has
25 declined, it may be a normal decline but it still hurts

1 him a lot and that is a management problem.

2 But in terms of the population of marten,
3 at this time our evidence would say there is no cause
4 for concern.

5 MR. FREIDIN: Q. And when you look at
6 Table 6, are some of the species listed in Table 6 in
7 the 30 per cent category?

8 DR. EULER: A. Yes.

9 Q. And that is the same 30 per cent
10 category to which some of that population monitoring is
11 being addressed?

12 A. That's right, that's right, yes.
13 These are all species that we are going to monitor
14 carefully and closely.

15 MR. FREIDIN: One moment, Mr. Chairman.
16 The paper war is getting to me.

17 Q. Could you refer back to the witness
18 statement, Dr. Euler and, in particular, page 625. It
19 is a paper entitled: Wildlife Implications in Timber
20 Management, Summary Table for Selected Species,
21 prepared by Duncan M. Cameron and a Valerie Storey.

22 Could you advise the Board who those
23 individuals are and do you have any knowledge as to
24 their credentials?

25 A. Yes. Dr. Cameron is a professor at

1 York University and Ms. Storey is a consultant who
2 works in the area of biological consulting.

3 Q. What is Dr. Cameron a professor of?

4 A. I have his resume right here. Let me
5 just -- he is a professor of biology.

6 Do you want more information than that?

7 He has his Doctorate from the University of California,
8 Davis in Zoology, Masters in the University of Maine in
9 biology, Masters University of Maine in biology
10 including forestry and wildlife management.

11 Q. Okay, I think that is sufficient.
12 What was the purpose of including Appendix 2 in this
13 witness statement?

14 A. We wanted to point out to the Board
15 the amount of information that is available. This is a
16 literature review in which we asked Dr. Cameron and his
17 associate to go through the scientific literature on
18 the impact of forestry on wildlife animals or wildlife
19 species and summarize these implications in some tables
20 to demonstrate the complexity of information that is
21 out there, and also to use in the Ministry for field
22 staff to give them some guides as to things that they
23 might wish to read on the subject.

24 Q. Were they asked in any way to
25 establish any particular hypotheses about wildlife?

1 A. No, they weren't asked to, they were
2 just asked to simply summarize the literature and the
3 knowledge.

4 Q. And I understand that they did that
5 and they collated the information into tables which are
6 are found in Appendix No. 2.

7 A. Yes, that's correct.

8 Q. And the various tables follow in the
9 report starting at page 642; is that correct?

10 A. I believe so, yes.

11 Q. They have a table Re: Habitat
12 Requirements of Selected Species.

13 A. Yes.

14 Q. They have a table dealing with
15 Impacts of Timber Management on Selected Species.

16 A. Mm-hmm.

17 Q. And that is a review of literature?

18 A. Yes.

19 Q. They have Table 3 which is
20 Preventing, Minimizing, Mitigating and Remediating
21 Negative Impacts Timber Management on Selected Species.

22 A. Mm-hmm.

23 Q. That again is a compilation of
24 information that was obtained from literature?

25 A. Yes.

1 Q. Table 4, Techniques to Monitor
2 Population Effects of Timber Management.

3 A. Mm-hmm.

4 Q. And that again was a compilation of
5 what they found in the literature?

6 A. Yes, that's correct.

7 Q. Can you advise on what basis were the
8 categories of species chosen, the categories that they
9 in fact address?

10 A. Yes, yes, I can. Just a moment
11 though, please.

12 Q. Maybe you can find what you are
13 looking for on page 626.

14 A. Yes, thank you. They were selected
15 because they have social economic importance or a high
16 public interest or representative of a type of habitat
17 or are endangered.

18 Q. You are reading from where?

19 A. From page 626, the first paragraph.

20 Q. Basically right in the middle of the
21 paragraph:

22 "Species were selected that are
23 illustrative because they have
24 socio-economic importance and/or have
25 high public interest and/or are

1 representative of a type of habitat
2 and/or are endangered."

3 That is the section; is that correct?

4 A. That's correct, yes.

5 Q. Does the Ministry of Natural
6 Resources have active programs for any of the
7 categories chosen?

8 A. Yes. We have active programs for
9 moose and deer and programs -- actually we have some
10 kind of a program for almost every species that is
11 here, varying in intensity of course.

12 Q. Okay. What about the species within
13 each of the categories? Do you know -- I am sorry, I
14 read to you why the species were selected -- I am
15 sorry, I already asked you that question.

16 Is the knowledge or information contained
17 in Tables 1 to 4 for the various species new to the
18 Ministry of Natural Resources. And really what I am
19 getting at, is it information that they weren't aware
20 of in any way prior to the pulling together of these
21 tables?

22 A. No, no none of it is new or
23 information that we are totally unaware of. We just
24 asked these people to combine it into a handy reference
25 document that we could use and that would be convenient

1 for people to have and shortened, in short form, so
2 that it is a precis of a lot of information and then if
3 someone wants to read more about it or understand more
4 about it, they can go back to the original literature
5 and read that.

6 Q. And can you tell me: Does the
7 Ministry do all of the things that are described in the
8 tables which have been compiled from the literature
9 review and, in particular, does it do all of the things
10 which are described in Tables 3 and 4 which deal with
11 preventing, minimizing, et cetera and techniques to
12 monitor population effects of timber management?

13 A. No, the Ministry would not do all of
14 the things.

15 Q. Is there a reason why they wouldn't
16 do all of those things?

17 A. Well, they are just too much. We
18 just couldn't possibly do everything that is there.
19 That is why, you know -- in a summary form that is why
20 we have gone to the featured species management
21 approach.

22 Q. And having regard to that
23 impracticality, how has the Ministry then dealt with
24 this situation?

25 A. Well, by going to the featured

1 species approach, by having this broad general
2 management strategy of featured species and continuing
3 to evolve a better program of habitat management.

4 Q. Now, you indicated that one of the
5 things that you wanted to show in these tables is, I
6 think, the degree of complexity of wildlife and
7 wildlife management in the real world; is that correct?

8 A. Yes.

9 Q. Can you just, perhaps by reference to
10 one species or two, if you feel it is appropriate, take
11 the Board through the information that is contained
12 there which you believe will in fact make that point?

13 A. Well, let's take as an example the
14 great gray owl, page 767 or 768 -- I am sorry, page
15 768.

16 Q. Okay.

17 A. Are we ready? Okay. Well, you note
18 there on that page, Table 1, the great gray owl (*Strix*
19 *nebulosa*), its home range is confined to northern
20 boreal forest, coniferous forest or spruce tamarack
21 bogs and it's official status is rare, but it maybe
22 abundant in local populations where prey species abound
23 or where prime habitat is available.

24 And, see, that is one of the interesting
25 parts about wildlife management. If you look at

1 populations of great gray owls across the province,
2 officially they have to be considered rare because they
3 simply are not abundant as you drive along the road; on
4 the other hand, in a particular location where prime
5 habitat is available, they can be locally abundant.

6 So it is a bit of a dilemma in the
7 management process.

8 THE CHAIRMAN: Why don't you define
9 something that is rare on the basis of a viable
10 population? Wouldn't that get over the problem of it
11 being rare in a particular locale, but not rare in
12 another locale across the province?

13 DR. EULER: See, it gets really
14 complicated because some species are rare naturally. A
15 wolverine, for example, is never abundant anywhere and
16 probably never was and yet it is a viable population
17 just because of the nature of the ecology of that
18 creature.

19 And so it is a very complicated decision
20 process because to be rare you must have been abundant
21 at one time and then now be less abundant, or the
22 concept is very difficult to work with.

23 Does that -- I am not sure I understand
24 your question, Mr. Chairman.

25 THE CHAIRMAN: Well, I was just

1 responding to your comments that it may be rare in
2 terms of the fact you don't see many around, except it
3 may be abundant in a particular locale.

4 DR. EULER: Yes.

5 THE CHAIRMAN: And it seemed to me that
6 if you defined -- since you are looking at wildlife
7 management on a provincial basis anyways--

8 DR. EULER: Mm-hmm, mm-hmm, mm-hmm.

9 THE CHAIRMAN: --if you defined whether
10 something is rare--

11 DR. EULER: Mm-hmm.

12 THE CHAIRMAN: --or abundant.

13 DR. EULER: Mm-hmm.

14 THE CHAIRMAN: --on the basis of whether
15 there is a viable population.

16 DR. EULER: Yeah.

17 THE CHAIRMAN: --that is what you are
18 managing to anyways.

19 DR. EULER: Yes.

20 THE CHAIRMAN: What does it matter
21 whether it is not abundant in a particular locale if in
22 fact there is a viable population?

23 DR. EULER: Population provincially.

24 Well, yes, that is a good point.

25 See, we define -- our definition of

1 rarity right now carries a clear implication that it
2 was once more abundant and is now less abundant, and --
3 well, it is a very difficult concept.

4 It makes it hard then to make a
5 management decision too, when you are dealing with
6 these concepts of rarity on a provincial basis whether
7 what is rare is normal or abnormal is also very
8 difficult, and then something can be bundant locally
9 and rare provincially.

10 Bald eagles are another good example
11 because in certain parts of northwestern Ontario they
12 are quite abundant and yet provincially they are
13 endangered.

14 So in parts of northwestern Ontario, if
15 you just looked at the bald eagles in that particular
16 area, they are quite, quite viable and yet if you look
17 at the abundance of bald eagles in the province
18 compared to the bald eagles a hundred years ago, there
19 are a lot less now and so people are really concerned
20 and have officially put them on the endangered species
21 list.

22 THE CHAIRMAN: But isn't there a concept
23 even in that. I am not playing around with semantics,
24 but isn't there a concept that if you didn't do
25 something you would go below the viable population,

1 that is why it is endangered?

2 DR. EULER: Yes, that is -- well, yes,
3 but -- yes but not yes.

4 I mean, I wish -- you see, that is one of
5 the difficulties in all of natural resource management
6 is, it is so hard sometimes to give you a clear yes or
7 no answer.

8 I mean, the population of bald eagles in
9 northwestern Ontario is quite viable and if you just
10 look at that population they are not declining to our
11 best knowledge.

12 THE CHAIRMAN: If you did nothing in
13 terms of managing, would the population of the bald
14 eagle in northwestern Ontario continue to decline and,
15 if it would, then it would probably be justifiable to
16 be endangered because eventually you would have a
17 non-viable population; would you not?

18 DR. EULER: See, if you did nothing would
19 it continue to decline is the key question. And I
20 think it probably would. If we took no management
21 action, it probably would, but I can't be sure of that.
22 I think it would and that is why we have taken
23 management action.

24 THE CHAIRMAN: And the ultimate goal of
25 management action with a threatened or endangered

1 specie is to ensure that it is not wiped out?

2 DR. EULER: That's right, and that it
3 stays at a viable level yes, that's right. Okay. So
4 where -- I am not sure that I have addressed your
5 question.

6 THE CHAIRMAN: I am not sure there is a
7 question in there.

8 DR. EULER: Okay. It is a very difficult
9 concept because you have got to deal -- you have got to
10 cope with the fact that some species are rare naturally
11 and you don't want to designate something rare with the
12 idea you need to take management action when it is
13 normal for the population to be rare. So it gets very
14 very difficult, okay.

15 So continuing on with the great gray owl,
16 it doesn't need any special water requirements because
17 it gets most of its water from the prey items. Food is
18 mostly microtine rodents which are really just mice.
19 For all practical purposes it eats mice, and it is
20 particularly a specialist in certain kinds of mouse
21 called a bog lemming, and these bog lemmings live in
22 wet areas.

23 So what the great gray owl likes to do is
24 find a spot in the northern forest where there is a
25 little wetland where bog lemmings live and it is kind

1 of open and then it perches on the trees on the edge of
2 this little opening and goes down and takes the
3 microtine rodents.

4 THE CHAIRMAN: Are these the same type of
5 animals that commit the mass suicide once in a while in
6 Ontario?

7 DR. EULER: No, Mr. Chairman, they are
8 not, not in Ontario. No, that's mostly fable anyway.

9 THE CHAIRMAN: Oh.

10 DR. EULER: I mean, it is one of the
11 myths that spring up about wildlife. It is civil
12 servants that commit mass suicide once in a while.

13 THE CHAIRMAN: And usually some Board
14 members as well.

15 DR. EULER: That's right.

16 MR. MARTEL: I thought you had it pretty
17 good.

18 DR. EULER: Well, not when some of those
19 moose hunters get after us, I'll tell you, we don't
20 feel like it is good.

21 So what we are trying to do is carry
22 through on this Great Gray Owl and point out that it
23 needs -- it is more a specialist than a generalist and
24 it needs a particular kind of habitat.

25 It wants to eat this particular kind of

1 microtine rodent, it often nests in mature poplar in
2 the boreal forest, sometimes in conifer stand and this
3 nest is usually near this wet meadow or bog because he
4 too wants his nursery as close to the kitchen as he can
5 get it because the bird has to find food and carry it
6 back to the nest site.

7 It is the job of the male to carry the
8 food back to the female on the nest and it's in their
9 interest to have as close a distance between the source
10 of food and the nest site as possible.

11 So that's the basic habitat requirement.
12 It's in the boreal forest, it nests near an open area,
13 particularly a bog, likes to nest in mature conifer.

14 Well, that kind of situation is
15 relatively rare in the boreal forest. I mean, it does
16 happen obviously, but it's relatively rare. So to
17 produce it takes a fair bit of thought and management
18 action.

19 If you look at Table 2 then on page 769,
20 in developing logging activities then one has to be
21 concerned because if the logging activity somehow
22 limits the prey species; that is, destroyed the habitat
23 of those bog lemmings then, of course, the owl isn't
24 going to make it in that area.

25 So if a logging operation cut all the

1 trees around this little bog and then somehow changed
2 the soil or water regime in such a way that the bog
3 dried up, if it did that, then you have destroyed
4 habitat for the Great Gray Owl, however inadvertently
5 you might have done so, because the other problem with
6 this owl is, is that you don't see it and people are
7 there working during the daytime, the owl is active at
8 night and so it could be easily destroyed and no one be
9 aware that it had been destroyed.

10 And then you note at the same time,
11 having said that, there are also cases where cutting --
12 clearcutting can benefit this bird by opening up areas
13 and other small mice move in the clearcutting areas.

14 Microtas, for example, is a field mice
15 and is more abundant in open areas, so that the bird
16 might be able to substitute bog lemming with field mice
17 depending on the logging operation and what it did to
18 the nesting site.

19 Okay, that's table 2, the impact of
20 timber management on a selected species.

21 Then if you look at Table 3 over on page
22 771, there are some ideas put down here then about how
23 one could prevent, minimize, mitigate or remedy
24 negative impacts of timber management on a selected
25 species.

1 The first thing is try not to cut -- if
2 you know the bird is in that area, try not to have a
3 cutting operation there on or around the egg-laying
4 season which is late March to June, if possible. If
5 you know the bird is there, you know they are
6 incubating and you can avoid cutting in the area while
7 they are there, then try to do that.

8 In this particular case small patch cuts
9 are better than larger cuts because it may increase the
10 small mammal abundance and when known nests are
11 identified in the management plan, then buffer zones or
12 other activities may be employed to keep the
13 disturbance away from that nest site. Whenever --
14 these birds also use other kinds of stick nests and if
15 those other stick nests are there and are known, it is
16 important to keep -- to preserve them.

17 The last part of that then is Table 4
18 which is Techniques to Monitor Population Effects of
19 Timber Management, and basically the way one tries to
20 keep track of this particular species is by listening
21 for calls at night or using a broadcast recording of
22 calls to -- and they respond to a tape recorder.

23 What you do is you go out at night with a
24 tape recorder and you play the sound or call of a Great
25 Gray Owl and the owl responds and that gives you an

1 indication that the owl is there.

2 Now, the point of going through all that
3 is just to illustrate how complex and difficult it can
4 be to incorporate the needs of just one species of
5 wildlife into a timber management planning process.
6 And it is a very difficult job to know that this
7 wildlife species is there and then to employ
8 appropriate remedies. And we want to point out how
9 difficult it is and to just illustrate that it's a
10 complicated and time-consuming process to get all the
11 needs of these species incorporated in the timber
12 management plan.

13 MR. FREIDIN: Q. And is it that
14 complexity which has resulted in the adoption of the
15 featured species approach and the monitoring -- or
16 population monitoring of the species within that group,
17 the 70 per cent and the 30 per cent category that
18 you've indicated earlier in your evidence?

19 DR. EULER: A. Yes, that's right.
20 That's the way then we have tried to -- that's the way
21 we have tried to deal with this complexity by adopting
22 the featured species approach.

23 Q. Now, I would like to refer you to --
24 I had some confusion when I went through this document,
25 and maybe others didn't, but just in case, I would like

1 to refer you to page 628.

2 A. 628.

3 Q. Right.

4 A. Okay.

5 Q. There's a heading: Impacts of
6 Forestry on Songbirds.

7 A. 628, yes.

8 Q. Now, the authors of this paper,
9 Cameron and Storey, this is part of the same report?

10 A. Yes.

11 Q. And was it prepared for the same
12 reasons?

13 A. Yes, it was.

14 Q. Can you advise why there are no
15 tables similar to Tables 1 to 4 when we are dealing
16 with songbirds?

17 A. Well, the authors felt after
18 reviewing this literature that it would just be not a
19 very effective way to present that information, there
20 are so many songbirds. And they also concluded that
21 the basic principles were relatively simple and could
22 be more effectively summarized in a few paragraphs than
23 trying to go on and on with tables for each individual
24 species.

25 In addition, as you may note on page 628,

1 in the third paragraph, they also suggest that - and I
2 will just read that first sentence of the third
3 paragraph, page 628:

4 "The large numbers of breeding songbirds
5 in northern hardwood or mixed wood
6 forests preclude management on a
7 species- by-species basis."

8 So what these authors are advocating is that management
9 prescriptions be developed on songbirds as a group as
10 opposed to species-by-species.

11 Q. And can you advise: Does this
12 literature review by those two people describe the
13 position of the Ministry on any particular matter?

14 A. No, this is their opinion.

15 THE CHAIRMAN: Do you take, Dr. Euler,
16 that statement, paragraph 3, to be a negation of the
17 multi-specie approach on the continuum?

18 DR. EULER: I wouldn't use a word as
19 strong as negate.

20 THE CHAIRMAN: Okay.

21 DR. EULER: It certainly is an influence
22 on it, yes, but it wouldn't negate it. It would just
23 suggest that there are other ways of doing good
24 management than multi-species management and this, they
25 suggest, is one.

1 MR. FREIDIN: Q. You indicated -- no,
2 but there be similarities in some of the things that
3 these authors have said, similarities to the Ministry's
4 view on the same manner?

5 DR. EULER: A. Oh, yes, certainly.

6 Q. But the paper wasn't prepared for the
7 intention of attempting to do that?

8 A. No. No, it was not.

9 Q. Will you look at page 630 to 641, we
10 have a list of quite a few references. Do those
11 references in any way -- are they the basis of Tables 1
12 to 4 and the paper on songbirds?

13 A. Yes, they are the basis for Tables 1
14 to 4 and the conclusion drawn on songbirds.

15 Q. On page 626 of Appendix 2 it
16 indicates that the Ministry documents such as the
17 Ministry guidelines were referred to and I am just
18 having some trouble locating that specific reference.

19 THE CHAIRMAN: Dr. Euler, why was Dean
20 Baskerville, in your opinion, not mentioned at any of
21 those references?

22 DR. EULER: Oh, I think they were trying
23 to look for very specific papers that talked about just
24 strictly factual relationships between habitat
25 requirements and logging.

1 Dr. Baskerville, in my view, writes at
2 the conceptual level and at the philosophical level and
3 it was outside their mandate to look at that.

4 MR. FREIDIN: Q. I found that reference
5 in the last paragraph. It just says:

6 "Conversation with several MNR personnel
7 were held to discuss particular species
8 and to provide access to key papers such
9 as Ministry guidelines."

10 You may have covered this, but I want to try to make it
11 abundantly clear.

12 Is there any way of distinguishing Tables
13 1 to 4 between information regarding preventing,
14 minimizing, mitigating and recommending practices -- I
15 mean, is there any distinction when those are practices
16 which are actually followed by the Ministry as opposed
17 to suggestions in the literature regarding actions that
18 could be taken in Ontario or other jurisdictions?

19 DR. EULER: A. No, they did not indicate
20 that difference in this work.

21 Q. And in those circumstances how is the
22 Board to view those tables?

23 A. Well, the Board should view the
24 tables as a series of biological facts that are very
25 useful as we formulate policy and decisions.

1 Q. Can you turn to page 545 of the
2 witness statement, please. I direct you to the
3 heading: Knowledge Available. There is reference to
4 species of wildlife which have been extensively studied
5 and then it states in the middle of that paragraph - go
6 down about six lines, beginning in the middle, it says:
7 "The ecology..."

8 A. Yes.

9 Q. It says:
10 "The ecology of forest-dwelling raptors
11 and some mammals (i.e. otter, fisher, fox
12 and mink) with respect to logging is not
13 carefully documented."

14 And there is a reference to Thompson.

15 "Studies on these species must be
16 maintained in order to improve our
17 ability to effectively manage the
18 forest."

19 What type of studies on these species are you
20 indicating in this paper must be maintained?

21 A. The word studies in this context
22 means a wide variety of things and it is advocated that
23 we continue to do a wide variety of things under the
24 heading of studies.

25 Studies would include research, where a

1 research scientist went and began to study, in a very
2 formal scientific way some of the ecology of these
3 species. Studies would include literature reviews such
4 as one the by Storey Cameron. It might include
5 management studies to try to evaluate the impact of a
6 management activity on a particular species of
7 wildlife. It certainly would include the monitoring
8 programs that we are engaged in.

9 So it would include a wide variety of
10 activities under the general heading of studies and we
11 must continue all of those in order to be effective in
12 our management.

13 Q. Now, when you say the monitoring
14 studies, are you referring to both the population
15 monitoring and the effectiveness monitoring?

16 A. Yes, both population monitoring and
17 effectiveness monitoring.

18 Q. Is the Ministry expected to be the
19 sole provider of this information or the studies for
20 the person -- or the agency that conducts the actual
21 studies?

22 A. We certainly do some of them, but we
23 also are very anxious to use studies completed by other
24 organizations.

25 Universities, for example, have a clear

1 mandate to help in this kind of reserve and we are very
2 anxious to use that kind of research that is helpful.
3 People in the museum often do studies of this kind.
4 Sometimes we are very anxious to work with our client
5 groups who assist in that. The breeding bird atlas,
6 for example, is an example of something where a client
7 or a group of people helped collect and conduct
8 studies. And other organizations in Ontario would help
9 in that respect from time to time.

10 Q. When we are talking about the area of
11 wildlife management, is it either necessary or common
12 that agencies such as yours rely on non-agency sources
13 for information and assistance?

14 A. Oh, yes. Every agency in North
15 America relies on other groups to help collect this
16 kind of information.

17 Q. Are any of the -- you have mentioned
18 the population monitoring and the effectiveness
19 monitoring program and we heard about that before.

20 Are there any other types of studies
21 which are present or research which is presently
22 underway or which is going to begin shortly that you
23 would like to perhaps highlight?

24 A. The federal government are conducting
25 studies of songbirds throughout northern Ontario and

1 the relationship between habitat and songbirds.

2 There is an on-going herpetofaunal survey
3 which I think I mentioned before and refers to studies
4 of distribution of amphibians and reptiles. There are
5 people at the University of Toronto who have study
6 plots in northern Ontario where they are looking at the
7 impacts of songbirds and jack pine. We just had a
8 couple of Ph.D. theses completed on spruce grouse and
9 jack pine plantations near Gogama.

10 That's all I can think of right now.
11 There may be some others. It is hard to keep up
12 because a number of people are working on a number of
13 areas at the same time.

14 Q. Is there any information that has
15 recently been developed in relation to fur-bearers that
16 would fall into this category?

17 A. There have been two or three studies
18 of fur-bearers, one by Ian Thompson who is employed by
19 the federal government. There may be others as well
20 that I am not aware of. Alaine Novack of our office
21 carries out studies in the general sense of he is
22 recently completed a massive book on wild fur-bearer
23 management and the relationship between habitat and
24 wild fur-bearers and trapping and so on.

25 That was carried out by Alaine who is a

1 Ministry employee from your head office.

2 Q. Now, Dr. Euler, we spent a great deal
3 of time discussing the moose guidelines in your
4 evidence and we know that other guidelines are also
5 employed by the Ministry, and I am thinking about
6 particularly Tourism Guidelines and the Fish
7 Guidelines, the Code of Practice has been referred to
8 by Mr. Oldford.

9 Do those documents -- the activities
10 which occur when people are dealing with those
11 guidelines, play any role in providing wildlife
12 habitat?

13 A. Oh, indeed they do and this is one of
14 the strengths of that whole process is the Tourism
15 Guidelines and the Fish Guidelines, for example,
16 provide a considerable amount of wildlife habitat.

17 For the Fish Guidelines, for example,
18 where timber is reserved along waterbodies are also
19 used by, for example, ducks that nest in trees or mink
20 that work along the edge and eat fish and crayfish from
21 at that waterbody.

22 The Tourism Guidelines often protect
23 wildlife habitat as well by providing areas of forest
24 in a certain stand condition.

25 Q. Do you have any slides or any

1 photographs that deal with this particular matter?

2 A. I have some slides that sort of sum
3 up what we would think of good habitat management and
4 I, also to be fair, have put in a couple of slides of
5 not so good management. So maybe we can show that as a
6 concluding point.

7 Q. You are not getting off that easy,
8 Dr. Euler, it's not the concluding point.

9 A. Oh no, and I thought it was.

10 MR. MARTEL: While we are waiting, can
11 you tell me if you have found a solution to the problem
12 of licences surrounding moose--

13 DR. EULER: Oh, God!

14 MR. MARTEL: --which caused you what,
15 about 10,000 letters a year?

16 DR. EULER: No, it seems like millions of
17 letters a year. Each one of them is separate and
18 individual very, very difficult problem. Well, as you
19 know, we have done a lot of thinking about that and
20 every solution that we present has pros and cons as
21 well.

22 I guess in an ideal world somehow we
23 would keep track of every time a person applied for and
24 received a moose licence, so that in subsequent years
25 he would get his fair share. The problem is it is such

1 a task to keep track of all of that that everyone is
2 worried it will just be a bureaucratic nightmare.

3 So that if you -- for example, if you
4 keep track of it by his social insurance number, then
5 that leads to potential for abuses of that number. If
6 you assign him an extra number, a sportsman number,
7 then you get into a bureaucratic process and we know we
8 have got an awful lot of bureaucratic processes there
9 now, so there is resistance to doing that. And yet if
10 you don't do something like that people feel as though
11 they just are at the risk of lady luck. It seems like
12 a very capricious process in the way they get their
13 moose tag and it is a terribly difficult problem.

14 Sooner or later, somehow we are going to
15 have some kind of technique that allows us to develop
16 some kind of system to keep track of people so that
17 some people don't seem unfairly dealt with in the draw,
18 but it is a task.

19 The other thing is though, as the moose
20 populations come back up, which they are doing, and one
21 of the things that's happening in our deer program, as
22 the deer populations have increased, we have been able
23 to give out many more antlerless tags and that's helped
24 a lot. The increase in moose is slower than the
25 increase in deer and, therefore, the period of time

1 when people have to undergo these restrictions is
2 considerable.

3 MR. FREIDIN: Okay.

4 DR. EULER: Okay. I need that moved to
5 the last four slides so I can just run through it, I
6 guess.

7 MR. FREIDIN: Q. I am sure it will be
8 faster if you do that than ask me to do it.

9 DR. EULER: A. All right. I will have
10 to do it.

11 THE CHAIRMAN: About what point are we
12 at, Mr. Freidin?

13 MR. FREIDIN: We are nearing the
14 conclusion of Dr. Euler. I was just going to ask how
15 late you intended to sit.

16 THE CHAIRMAN: Well, it depends on how
17 long you are going to be.

18 MR. FREIDIN: Well, I'm going to finish
19 shortly with Dr. Euler, maybe in the next half hour.

20 THE CHAIRMAN: Well, I think we should
21 finish off with Dr. Euler.

22 And it doesn't make much sense; does it,
23 Mr. Tuer, to continue with your presentation?

24 MR. FREIDIN: Mr. Chairman, perhaps I
25 didn't advise, I intend after completing Dr. Euler, to

1 ask a few questions of -- I think I have got a couple
2 of questions for Mr. Oldford, I have a question for Mr.
3 Greenwood, and I have a series of questions for Mr.
4 Clark, but I think Mr. Clark's response will take some
5 time.

6 I think that we might very well -- we
7 might finish all of that today. How late were you
8 planning to sit?

9 THE CHAIRMAN: Well, I think we could
10 have one more short break and then come back and maybe
11 sit until 1:30.

12 MR. FREIDIN: I am just wondering whether
13 we could show these slides right here and before we
14 complete Dr. Euler, if I could have -- if we could
15 break after that and I can speak to my witnesses and
16 get a little better idea of whether we can actually
17 finish by 1:30.

18 THE CHAIRMAN: All right. If we can, I
19 think we should try and then we could commence with
20 you, Mr. Tuer, on Tuesday morning.

21 MR. TUER: Yes.

22 MR. FREIDIN: Q. All right. So could
23 you just then deal with these particular slides, Dr.
24 Euler.

25 DR. EULER: A. Okay. What I wanted to

1 show here as kind of a summary of all of this habitat
2 management business is, I want to show a couple of
3 problem areas that the Ministry has encountered and I
4 also want to make it very clear, if I can, the
5 perspective of these problems, because I don't want you
6 to get the impression that we have problems all over
7 northern Ontario, we do not.

8 It often happens that the problems
9 themselves, because of the difficulty of them, escalate
10 a bit and it may seem as though they are greater than
11 they actually are.

12 And so I want to illustrate a problem in
13 a spirit of being honest about the problems, but I also
14 want to try to assure you and give you some sense of
15 the perspective of the problem so that you are not left
16 with the impression that everywhere in northern Ontario
17 there are problems, because there are not.

18 This is one of the problems that occurs
19 from time to time. In my experience I have seen this
20 about three times in the last five years, to give you a
21 perspective, over about three -- approximately three
22 areas, there is possibly four.

23 This a case where two Ministry biologists
24 applied very different prescriptions to adjacent land
25 areas and it involves a skill in their interpretation

1 of the guidelines and some difference in the common
2 understanding of how to apply them.

3 Now, this is not a common problem, it
4 doesn't occur everywhere, but when it does occur we try
5 not to let it happen again, we make efforts to solve it
6 because it looks worse than it really is. I mean, this
7 landscape has not been managed with the kind of
8 diversity that we like to see, this kind of sharp
9 demarcation between two management prescriptions is not
10 a very good way to do integrated resource management
11 and coordinated management.

12 Q. Perhaps -- I'm sorry.

13 A. Well, I just wanted to emphasise
14 again, it is not a common thing. When it does happen,
15 we immediately try to take management actions to
16 correct it by talking to the people involved and
17 saying: Can we examine this issue and can we try to
18 come to some resolution so that we don't have these
19 very different prescriptions on areas that are
20 essentially very, very similar, because this isn't a
21 problem of the difference between Kenora and Cochrane,
22 this is a problem on a local site basis.

23 Q. Could you perhaps, with your educated
24 eye, show us where this demarcation is between the two
25 prescriptions and what it is that is different?

1 A. Well, we wouldn't like to see this
2 kind of very sharp line on the left side of the line, a
3 set of prescriptions was prescribed over here. They
4 were substantially different than were prescribed in
5 this general area.

6 Q. The difference is the difference in
7 the area on the left-hand side of the photograph?

8 A. Yes.

9 Q. That part where there is...

10 A. See, how this cut was conducted,
11 small irregular shape in this case and there are some
12 others here where these were conducted in larger areas
13 and not very much left in the way of diverse timber.

14 THE CHAIRMAN: What slide number is this?

15 DR. EULER: Oh, I'm sorry, this is a new
16 slide that we do not have a copy for.

17 THE CHAIRMAN: Do you want to give it an
18 exhibit number?

19 DR. EULER: Yes, please.

20 THE CHAIRMAN: Exhibit -- just one
21 moment, 483.

22 MR. FREIDIN: What is the exhibit number,
23 Mr. Chairman, sorry?

24 THE CHAIRMAN: 483.

25 MR. FREIDIN: Q. Now, Dr. Euler, how

1 would you want to describe that?

2 DR. EULER: A. What do you mean, how do
3 I want to describe it? You mean, the title?

4 MS. BLASTORAH: Yes.

5 DR. EULER: I would call it not so good
6 forestry wildlife management.

7 ---EXHIBIT NO. 483: Hard copy of slide depicting not
8 so good example of forestry
wildlife management.

9 MR. FREIDIN: Q. Now, you are looking at
10 that photograph. Now, without any description of the
11 surrounding forest, can you tell by just looking at
12 that picture alone whether it is having adverse effects
13 on attaining your wildlife?

14 A. Oh no, no, you can't tell, not by just
15 took looking at this alone, no. You have to -- if you
16 are going to evaluate this in terms of the wildlife
17 objectives that you are trying to achieve, then it has
18 to be evaluated in the broader context because it may
19 well be possible that we are achieving our objectives
20 even with this kind of prescription.

21 It becomes a bit of a political problem
22 because various people say: Why did you have such a
23 vastly different prescription on each side of a
24 particular line.

25 Q. All right. Perhaps we could see the

1 next photo.

2 MRS. KOVEN: Excuse me, Dr. Euler.

3 DR. EULER: Oh yes.

4 MRS. KOVEN: A moment with that photo.

5 DR. EULER: Yes.

6 MRS. KOVEN: Wouldn't that be comparable
7 to the situation on I guess an exhibit we had
8 yesterday, where you said that in fact we divided it
9 into a 60/40 sort of area that would require some sort
10 of closer monitoring for wildlife as opposed to a 30/40
11 per cent area that might in fact be totally ignored,
12 all the timber might be taken off that area and you
13 could still satisfy--

14 DR. EULER: That's right.

15 MRS. KOVEN: --the unit in terms of...

16 DR. EULER: Yes.

17 MRS. KOVEN: So in fact this sort of
18 situation could have occurred here?

19 DR. EULER: Yes, yes.

20 MRS. KOVEN: You don't know if in fact
21 this is two separate areas?

22 DR. EULER: Well, in this particular case
23 I do, but you are right, you see, and this is I think
24 the point we dealt with in that last question.

25 In order to know how you are doing in

1 means of managing to your objectives, you need much
2 more information than this. The problem that this
3 causes for us as a Ministry is people look at it and
4 they say: Why, why do you have such a major difference
5 in these prescription areas.

6 Now, there may be a good explanation for
7 that, but sometimes there isn't; sometimes it is just
8 the fact that two Ministry planning teams did things
9 somewhat differently. And you see, it is very
10 important that we keep this in perspective. This is
11 not a major problem that occurs repeatedly across the
12 north, occasionally it occurs and when it occurs we
13 want to deal with it in a reasonable way.

14 Now, a reasonable way might be to just
15 explain it better or a reasonable way might be to
16 change the prescription a bit. There are various ways
17 of coping with it. Okay.

18 The next slide is -- I went the wrong
19 way. The next slide is also a new slide that will need
20 an exhibit number.

21 THE CHAIRMAN: Exhibit 484.

22 ---EXHIBIT NO. 484: Hard copy of slide depicting not
23 so good example of forestry
wildlife management.

24 DR. EULER: And again what we are talking
25 about and showing here is just an example of wildlife

1 management habit -- forest wildlife management that I
2 would say is not so good an example to indicate that we
3 find a few cases like this. It is not -- they are not
4 wide spread and they have not caused us to have major
5 difficulties in meeting our objectives, but they do
6 have some concern and the concern is being expressed.

7 Now, however, it is much nicer to show
8 good pictures. What I think is the more common
9 situation across most of northern Ontario where we have
10 a series of actions that are good for wildlife. This
11 is a winter shot, it is a new slide not in the witness
12 statement as well, but I just wanted to show how actual
13 forest management operations can occur and produce good
14 wildlife habitat as a result of the activity.

15 And looking at this, as with the other
16 slides, we can't tell how this has helped meet the
17 objective by simply looking at this slide, but we can
18 say that this is an example of good cooperative work
19 between forest management and wildlife habitat
20 management.

21 THE CHAIRMAN: Exhibit 485.

22 ---EXHIBIT NO. 485: Hard copy of slide depicting a
23 good example of cooperative work
24 between forest management and
wildlife habitat management.

25 DR. EULER: And the last example is also

1 just a summer shot of the result of a good planning
2 process with a good mix of plant communities and very
3 positive impact on wildlife habitat management in the
4 next years to come.

5 MR. FREIDIN: Q. And you are looking at
6 what?

7 DR. EULER: A. This is slide No. 30 from
8 the witness statement.

9 MRS. KOVEN: Are you saying, Dr. Euler,
10 that as a rule of thumb the more vegetation you can see
11 after timber has been removed the more beneficial it is
12 for wildlife habitat?

13 DR. EULER: Well, I wouldn't use that as
14 a rule of thumb. If we are going to find rule of
15 thumb, and if you need a rule of thumb, I would say
16 look for diverse patterns of vegetation.

17 So that you have open areas and near
18 mature areas around lakes or water bodies, irregular
19 shaped patterns, because as this land begins to
20 regenerate over the next 40 to 50 years, it will have a
21 wide variety of niches available for wildlife and will
22 be very positive.

23 MR. FREIDIN: Q. Are any of those
24 features that you just mentioned depicted in this
25 slide?

1 DR. EULER: A. Well, you can see the
2 irregular nature of some of these boundaries where
3 cutting has occurred. You can see how here's a stand
4 of timber that has been left, there may well be a moose
5 aquatic feeding area down in here and, if there is, a
6 moose has some cover while approaching it.

7 There is little reserves left for some of
8 the other small creatures, the birds and so on that
9 need that kind of diversity. And shortly after the cut
10 has taken place there will be species of wildlife
11 colonizing these cut areas and they too will find the
12 kind of habitat that they need in this area.

13 MR. FREIDIN: Mr. Chairman, I think that
14 might be an appropriate time to break.

15 THE CHAIRMAN: Okay. Perhaps we will
16 break at this point for, say, 15 minutes.

17 MR. FREIDIN: Very well.

18 THE CHAIRMAN: And come back.

19 ---Recess taken at 11:50 a.m.

20 ---Upon resuming at 12:05 p.m.

21 THE CHAIRMAN: Be seated, please.

22 Mr. Freidin, just before we commence, I
23 wanted to advise the parties that Mr. Mander is in the
24 process of typing up a notice that the Board is
25 proposing to send to all the parties, or the party

1 list, regarding the results of yesterday's discussions
2 with respect to the Notice of Motion and the scoping of
3 the two panels together.

4 I have asked him - and I am sure he will
5 finish by the time we finish today - that immediately
6 after the session to have counsel for the parties that
7 are here briefly look at it and make sure that there
8 are no discrepancies over what we understood were the
9 final results.

10 We don't have the transcript from
11 yesterday, but we want to make sure the dates are
12 correct and the obligations of the various parties are
13 ascertained in the same manner as they thought we dealt
14 with the issues before we send it out to everyone in
15 the mail, otherwise we are going to get into problems.
16 We want to make sure that all the parties know exactly
17 what their obligations are and what the time lines are.

18 So if you wouldn't mind just for a couple
19 of minutes getting together with him and checking that
20 prior to leaving today, the Board would appreciate it.

21 MR. CASSIDY: In the event that there is
22 some - I don't anticipate Mr. Mander would have any
23 difficulty - but, in the event there is some
24 difficulty, would we have an opportunity to speak to
25 the Board about that prior to it being sent out?

1 THE CHAIRMAN: Well, yes. We will be
2 around for a few minutes before we depart. But what we
3 are mainly interested in is not rehashing it all but
4 making sure that the various things that are supposed
5 to occur on certain dates, that we have got it
6 straight. There were so many dates bandied around
7 yesterday that we want to make sure that the bottom
8 line is correct.

9 MR. FREIDIN: I think if I -- I think
10 we've got a chance to finish, if I start right now.

11 THE CHAIRMAN: Okay.

12 MR. FREIDIN: Q. Dr. Euler, can you
13 advise whether there has been any significant change in
14 the working relationship between foresters and wildlife
15 biologists over the last five to ten years?

16 DR. EULER: A. Well, yes, I believe that
17 it has improved and that also over the period of time
18 that I have been employed with the Ministry, which is
19 16 years, I perceive a steady improvement in our
20 working relationship, moving away from the constraint
21 idea into a much more cooperative atmosphere than has
22 existed.

23 Q. Now, in the last paragraph on page
24 545 of the witness statement - I don't want to read -
25 read to you a section, a short paragraph. It's page

1 545, bottom of the page, it says:

2 "The problem for managers is to balance
3 the needs of wildlife and people in
4 timber harvest. In some cases timber
5 harvest must be modified to protect
6 important wildlife habitat. Other times
7 the need for economic benefits from
8 timber must be given priority. None of
9 these decisions are easy or simple. The
10 management planning process is designed
11 to provide a vehicle for making these
12 decisions."

13 My question for you is: Could you advise whether in
14 your opinion the timber management planning process is
15 a good vehicle for making the difficult tradeoff
16 decisions referred to?

17 A. Yes, I believe it is. I believe the
18 portions of that process that involve public
19 consultation are good, the opportunities for wildlife
20 biologists to participate in that process are good and
21 I think it is overall a very good vehicle for making
22 these very, very difficult decisions.

23 Q. Can I refer you to page 577 of the
24 witness statement.

25 A. Yes.

1 Q. This is Mr. Baker's paper and I would
2 refer you to the heading: Land Use Changes. I would
3 like to just read to you the first two lines. It says:

4 "Study on the effects of logging on
5 wildlife species have not shown any
6 dramatic negative effects on faunal
7 distribution and abundance. "

8 Can you comment on that observation?

9 A. Yes. Well, first of all of course,
10 we are talking about Ontario and that indeed is the
11 current state of knowledge in Ontario is, we don't have
12 any evidence that would suggest that timber harvest has
13 had a dramatic negative effect on wildlife species in
14 Ontario.

15 However, at the same time that I say
16 that, that doesn't mean that we are content to sit back
17 and assume that that will continue in the future,
18 because we don't know what the future holds, there are
19 possible negative effects and we want to avoid them by
20 beginning a process of monitoring, by being involved in
21 that timber management planning process and making it
22 work the way it is supposed to work.

23 And I think if that happens, we can avoid
24 problems of having negative impact on wildlife species
25 in Ontario.

1 Q. Now, you indicated in your
2 evidence -- you were describing those graphs that
3 showed the population trends that were used to deal
4 with viable populations.

5 A. Yes.

6 Q. And you indicated in that evidence
7 that in certain cases, partly perhaps depending on the
8 species in question, what you knew about the species in
9 other jurisdictions, that a population decline on that
10 trend line might occur to a certain level at which the
11 concern would be such that you would want to determine
12 the actual cause of the decline.

13 A. Yes.

14 Q. Now, can you in the absence of
15 investigation or research attribute such a decline to
16 any specific cause, be it timber management or some
17 other cause?

18 A. No, you cannot and it is vitally
19 important to first, if a decline has been noted and
20 documented, to begin a process of examining the
21 potential causes for that decline, otherwise you might
22 take a management action that had no effect whatsoever
23 because you have not identified the true problem.

24 Q. And, to your knowledge, has any
25 species been listed by the Ministry as threatened or

1 endangered in the area of the undertaking as a result
2 of the timber management activities?

3 A. Not to my knowledge.

4 Q. You stress the importance in your
5 evidence of the importance of objectives and you made
6 the comment a number of times: Judge as by the
7 attainment of our objectives.

8 And I would like to ask you: How are you
9 doing in terms of attaining your objectives?

10 A. Okay. Well, how are the moose doing
11 might be a way to think of it as well. We are very
12 pleased with the way moose populations have increased
13 since we employed our selective harvest program in the
14 early 1980s.

15 At that time the moose population was
16 approximately 80,000 animals. Our last count which was
17 last winter indicated that moose population had
18 increased to about 120,000 animals in the Province of
19 Ontario. So we would see a very clear increase in
20 moose populations.

21 So some of this pain that we have had to
22 go through in restricting hunters and cutting back on
23 regulations and recreation and some of this very
24 difficult times that we have had to go through are
25 beginning to pay off and the moose population is

1 definitely responding to both our efforts to use the
2 selective harvest system to manage them and our efforts
3 in habitat management.

4 There is also good news story with deer
5 in that our deer population at the beginning of the
6 selective harvest program for deer was in the
7 neighbourhood of a 1,000 animals. It is now increased
8 about two and a half times to 250,000 animals. So we
9 are feeling very positive about the increase in
10 populations of both deer and moose and we are feeling
11 positive about the management actions that we have
12 taken at the some considerable expense to the people of
13 Ontario.

14 Q. And you commented I believe already
15 on the 30 per cent of the species which wouldn't
16 benefit from good management -- wouldn't necessarily
17 benefit from good management of moose and deer.

18 A. That's right. And this is the
19 habitat for those species that is not provided by
20 implementing the guidelines.

21 Well, to the best of our knowledge, none
22 of those species are in difficulty at the moment. We
23 have a clear obligation and we are responding to that
24 to monitor them, so that if some problem develops, we
25 can immediately take action.

1 At the same time we are beginning to
2 review the management actions that we could take right
3 now and we will be in the process of implementing those
4 actions over the next few years.

5 Q. Two questions, if I might, in
6 relation to moose. You, in your evidence, indicated
7 that there was a quantitative objective for moose.

8 How are you -- when you say you have been
9 doing well with moose, how have you been doing in
10 relation to the meeting of that quantitative objective?

11 A. Well, the objective was 160,000 moose
12 by the year 2000. We are currently at 120,000, so that
13 means our overall goal by the year 2000 is something
14 that is clearly attainable if we continue our
15 management efforts.

16 Q. And you indicated in your evidence
17 that things had improved as a result of introduction of
18 the selective harvest. I take it that is the selective
19 harvest of moose and not the selection harvest of
20 trees?

21 A. That's right.

22 Q. Okay.

23 A. We've used the term selective harvest
24 system to refer to our program involving hunters where
25 they are licensed to hunt a particular kind of animal

1 in a particular location.

2 Q. And do the observations or the
3 comments that you have made about attaining your
4 objectives have any significance, in your opinion, in
5 evaluating whether timber management is having an
6 adverse effect on the achievement of those objectives?

7 A. Well, the significance is up to the
8 present time timber management could not -- did not
9 have a significant negative effect on achieving those
10 objectives because we are moving towards them in
11 approximately the rate at which we anticipated.

12 And so the sum total of those efforts --
13 despite the occasional problem here and there, the sum
14 total of those efforts is positive and we are achieving
15 those objectives.

16 Q. Thank you, Dr. Euler. I would like
17 to just ask two questions of Mr. Oldford.

18 Mr. Oldford, in your evidence you
19 described how logging methods could be employed so as
20 to protect advanced regeneration. Do you recall that
21 evidence?

22 MR. OLDFORD: A. That's correct.

23 Q. And you drew a hand sketch where you
24 showed how the trees would be cut and laid down in a
25 certain fashion so that you would not damage the

1 advanced regeneration.

2 A. Yes. And the advanced regeneration
3 that I was referring to there would be those trees,
4 those small saplings that were growing on the site that
5 a forester had made a decision would be the trees that
6 would be used to contribute to the future stand.

7 Q. Now, is the advanced regeneration
8 that you described, is that different from -- well, is
9 there vegetation left after harvest that does not fall
10 into that category?

11 A. Yes, there would be all sorts of
12 lesser vegetation left and advanced regeneration, the
13 way that I use the term and the way that foresters use
14 the term generally, refers to those seedlings or
15 saplings that are on the site that we intend to use to
16 form the stand as part of the future management
17 objective.

18 There would also be lesser vegetation on
19 the site that would just normally occur there, but if
20 you weren't going to use that in some future management
21 prescription, then you wouldn't use the term advanced
22 regeneration in referring to it.

23 Q. Okay. Now, where there is advanced
24 regeneration, your evidence indicated that you could
25 protect it through careful logging methods that you

1 described.

2 A. Yes, that's correct.

3 Q: Now, if there is no advanced
4 regeneration but only the lesser vegetation or perhaps
5 is on the site, are there any special measures taken to
6 protect that vegetation?

7 A. No, and there would be no reason to.

8 Q. All right. Is site productivity
9 affected in any way because no specific measures are
10 taken to protect that lesser vegetation?

11 A. No, it is not affected and the site,
12 if you have chosen to make the decision not to protect
13 that lesser vegetation which is also a form of advanced
14 vegetation, then you have made a decision that you are
15 going to either allow the site to regenerate naturally
16 over a longer period of time, or else you are going to
17 go in and undertake some artificial form of renewal.

18 And, no, I would like to really point out
19 that site productivity is not affected.

20 Q. There was evidence or you gave
21 evidence in relation to the Riparian Code of Practice
22 and you described the provisions of the code as a
23 reflection of present good practice.

24 You also testified that the Code of
25 Practice would not be made policy for approximately one

1 year. Do you recall that evidence?

2 A. Yes, I do.

3 Q. And one of the reasons I think - not
4 think - one of the reasons that you indicated for the
5 policy not being -- matter made policy for a year, was
6 to allow time to produce a booklet and to conduct some
7 training in relation to that Code of Practice?

8 A. That is correct.

9 Q. Now, if the Code of Practice is the
10 reflection of present good practice, why is a booklet
11 and training required?

12 A. Well, I wouldn't have wanted to have
13 left the impression with the Board that a booklet or
14 training was a necessity to have good practices in the
15 field, because there are right now very good practices
16 out there in the conduction of timber operations,
17 harvest and renewal.

18 But we are always looking for a degree of
19 improvement and we know that we can achieve that. For
20 instance, just the writing of the Code of Practice and
21 the reading of the Code of Practice on my own part has
22 raised my awareness about different things that we
23 could do to improve operations.

24 So we see going this next step, coming up
25 with a booklet, introducing the Code of Practice into

1 our regular timber management planning training
2 exercises, the use of the Code of Practice by both
3 government and industry foresters as a way of
4 heightening awareness and improving our management in
5 the field.

6 I guess the objective is to strive for
7 excellence in that regard and this will help us a long
8 way.

9 Q. And is it the intention that this
10 training will have any -- or have some effect on
11 reducing any incidents of bad practice which may exist?

12 A. Yes, it will. And you can take a
13 province as large as Ontario and you can look at an
14 undertaking as large as timber management, and no doubt
15 about it, if you look very, very closely you will find
16 examples of what is not good practice.

17 Well, I am a firm believer that if you go
18 to people and explain to them what a good practice is,
19 nobody wants to be doing something incorrectly, so you
20 raise the awareness, heighten the knowledge, and you
21 can improve practice.

22 Q. Thank you, Mr. Oldford.

23 MR. FREIDIN: Mr. Chairman, I would like
24 to file some interrogatories and the answers thereto.
25 These are interrogatories asked by Nishnawbe-Aski

1 Nation and I am filing four interrogatories,
2 Interrogatories Nos. 9, 10, 11 and 12. (handed)

3 THE CHAIRMAN: One package.

4 MR. FREIDIN: One package.

5 THE CHAIRMAN: Exhibit 486.

6 ---EXHIBIT NO. 486: Nishnawbe-Aski Nation
7 Interrogatory Nos. 9, 10, 11 & 12
(questions and answers thereto).

8 MR. FREIDIN: The one that we are going
9 to deal with at some length -- we are going to deal
10 with through Mr. Clark is exhibit -- pardon me,
11 Interrogatory No. 11. We will deal with Interrogatory
12 No. 11 with Mr. Clark and the attachment to that
13 interrogatory is included in the material that I am
14 going to file.

15 THE CHAIRMAN: Very well.

16 MR. FREIDIN: And the exhibit number, Mr.
17 Chairman, I'm sorry?

18 THE CHAIRMAN: Exhibit 486.

19 MR. FREIDIN: Thank you.

20 Q. If I could direct your attention to
21 Interrogatory No. 11, Mr. Clark. It states:

22 "With respect to Tables 32 on pages 1031
23 and 1032 of Volume II of the Panel 10
24 witness statement, please provide timber
25 management plan examples of decisions and

1 the impact analysis leading to these
2 decisions which dealt with one or more of
3 these identified socio-economic impacts
4 and resulted in mitigation measures?"

5 Now, turning to page 1031 and 1032 of the witness
6 statement, you are dealing there with a reference by
7 Nishnawbe-Aski Nation as to the table which deals with
8 the potential environmental effects and the mitigative
9 measures which can be taken in relation to concerns of
10 native people which might arise as a result of the
11 activity of harvest; is that correct?

12 MR. CLARK: A. That's correct.

13 Q. Now, the answer says:

14 "The attached background information and
15 supplementary documentation describes two
16 examples of issues dealt with in timber
17 management planning which address a
18 number of potential socio-economic
19 effects identified on Table 32, Volume
20 II, of the statement evidence of Panel
21 10."

22 And there are two examples as it indicates. I believe
23 the first example that you would like to describe is
24 the one which is attached -- is one of the two examples
25 attached to exhibit -- pardon me, Interrogatory 11:

1 Consideration of Historical Pow-Wow Site of Grassy
2 Narrows Roads in the Patricia Forest Timber Management
3 Planning Process.

4 All right. So perhaps you could review
5 that particular situation with the Board and indicate
6 how in fact it demonstrates how the Ministry can and
7 does deal with the socio-economic effects or concerns
8 of native people?

9 A. Yes. As Mr. Freidin pointed out,
10 these were two examples that I provided in response to
11 the NAN interrogatory and when I put this material
12 together I thought that there was some messages
13 inherent in the material that were important to note,
14 both from the point of view of dealing with native
15 people and in a more general way in terms of the way
16 decisions are made in timber management planning.

17 The first example is the traditional
18 pow-wow site and in looking back at Table 32 of my
19 evidence I guess that really relates to sites of
20 cultural and religious significance. And our attempt
21 here was simply to demonstrate how those would normally
22 be dealt with.

23 And what I have done in submitting that
24 particular interrogatory is write a summary page at the
25 beginning that just summarizes a bit of the history

1 concerning how this particular issue was raised and how
2 it was dealt with. And so I am responsible for the
3 summary page.

4 The subsequent documents would be
5 supplementary documents that would be found in the
6 timber management plan and, in this particular case, it
7 relates primarily to correspondence from the Grassy
8 Narrows Band, from the Ministry of Natural Resources
9 and from Boise Cascade in response. And it may be
10 helpful just for me to describe this one very briefly.

11 This is simply a case where a value, in
12 this case a traditional pow-wow site - and you will
13 notice I think in the correspondence from the band, a
14 letter from Simon Fobister which I think is the next
15 one directly after it - it refers to a historical
16 pow-wow site, it also refers to other sacred matters in
17 the particular area.

18 And my understanding, having talked to
19 the district manager in Kenora, that that was a
20 reference to what they refer to as a spirit rock
21 adjacent to the shore of the lake which is an area that
22 they would often leave tobacco, for example, when they
23 were crossing the lake and that sort of thing.

24 So there was a value that was identified
25 by the Grassy Narrows Band near Keys Lake and, in this

1 particular case, it was brought to the attention of the
2 district manager. And I want to stress that. This is
3 an instance where, if you look at my evidence, you will
4 often see that the point I underline the word, in
5 instances where values are identified, and it is a
6 particularly important consideration because we have to
7 know about these things in order to deal with them.

8 But in this particular case, this
9 particular value, in this case a pow-wow site and a
10 spirit rock, were brought to the attention of the
11 Ministry management and, in this particular case, the
12 district manager notified officials with Boise Cascade
13 and he also -- you will note in the next piece of
14 correspondence on June 22nd, he wrote back to the Chief
15 of the Grassy Narrows Band and if you look at, I think
16 it is the second last paragraph, he indicates that
17 personnel from Boise will be contacting you regarding
18 the historical pow-wow grounds adjacent to Keys Lake.

19 As a result of that, there was an
20 agreement reached between MNR, the company and the
21 Indian Band to visit the site at the Band's convenience
22 and in fact what has happened since this particular
23 value was identified, it has been determined no
24 harvesting will be taking place in the immediate
25 vicinity of the particular value and, in fact, a

1 reserve established using the Fisheries Guidelines was
2 sufficient to protect the interests that were
3 identified by the Band.

4 And this is a relatively simple example,
5 I think. The point I would like to make is simply that
6 the Band made their concerns known and, having done
7 that, both MNR and the company were able to respond to
8 that concern.

9 Having been notified of the concern, MNR
10 was able to act as a facilitator in the sense that it
11 was able to assist in bringing the company personnel
12 and the Band together to discuss an appropriate way of
13 dealing with the particular concern.

14 I think the important thing I want to
15 mention here, in a more general way, is that this is
16 typical of the kind of problem that is amenable to
17 solution at the local level.

18 MR. MARTEL: Can you tell me why you
19 would use the fishing guidelines though?

20 MR. CLARK: The Fish Guidelines were not
21 used specifically to protect the value, it just
22 happened that in protecting critical fish habitat, the
23 guidelines -- the area that was reserved also
24 encompassed the value that had been identified, that is
25 the historical Pow-Wow site. It was fortuitous.

1 MR. MARTEL: Had it not been there, had
2 it not been a fishing value involved -- I realize this
3 is hypothetical - how could you handle it then?

4 MR. CLARK: I think that you would handle
5 it in much the same way. I think that you would look
6 at a range of alternatives, and you may recall that we
7 talked from time to time about the comprehensive
8 planning process that we would go through, and
9 certainly one of the alternatives would probably be
10 putting a reserve in place and that would be the likely
11 solution to the problem.

12 The size and configuration of the reserve
13 would probably be the point that would be discussed.
14 In this particular case the reserve that was identified
15 for fisheries purposes was satisfactory to meet their
16 particular need.

17 The last point I would make in all of
18 this is that ultimately it requires that people get
19 together, identify their problems and discuss
20 solutions.

21 MRS. KOVEN: Excuse me. The guideline
22 that is being developed now for the protection of
23 heritage and archaeological sites--.

24 MR. CLARK: Yes.

25 MRS. KOVEN: --that might have come into

1 play--

2 MR. CLARK: Yes, it may well.

3 MRS. KOVEN: --regardless of the fish?

4 MR. CLARK: Yes, absolutely.

5 MR. FREIDIN: Q. Those guidelines are
6 being prepared at the present time; is that correct?

7 MR. CLARK: A. That's correct.

8 Q. All right. Then can you deal with
9 the second example of the ferrying of pulp trucks
10 across Lac Seul.

11 MR. FREIDIN: And that should also be
12 appended to Interrogatory No. 11, Mr. Chairman.

13 MR. CLARK: This particular proposal is a
14 little bit more complicated and before I go through the
15 material that's been included here in this
16 interrogatory, it might be helpful if I put up a map
17 and just gave you a little bit of background on it
18 because I think we go from what is a relatively simple
19 problem where the solution was relatively
20 straightforward to one that's somewhat more complex.

21 MR. FREIDIN: I have got copies of this
22 map. I don't know whether that will be helpful, if
23 somebody wants them now. All right.

24 THE CHAIRMAN: We'll put this in, Mr.
25 Clark, as an exhibit.

1 MR. CLARK: Yes.

2 THE CHAIRMAN: Exhibit 487.

3 ---EXHIBIT NO. 487: Copy of map entitled: Lac Seul
4 Ferry Proposal, Map No. 2.

5 MR. FREIDIN: I don't know whether it
6 will make things worse for the Board or not, but I can
7 give you these in case you can't see.

8 MRS. KOVEN: I can see, I don't think I
9 need one.

10 MR. MARTEL: I will take one.

11 MR. FREIDIN: (handed)

12 MR. MARTEL: Thank you.

13 MR. CLARK: Well, I should say at the
14 outset that I have not been directly involved in this
15 particular proposal and so the perspective that I bring
16 to this is not to explain all the details but is to
17 basically impart to you I think some of the messages
18 that I got from this particular example when I was
19 looking at a number of examples to answer the
20 interrogatory.

21 And just before I do that, I wanted to
22 provide you with - can people hear me - I wanted to
23 provide a bit of background information on the location
24 of this particular proposal and some of the issues that
25 are in place.

1 It is called -- the map here is referred
2 to as Exhibit 487. It is called Lac Seul Ferry
3 Proposal, Map No. 2, and this particular map was a map
4 that was developed for use at public open houses when
5 this particular issue was discussed.

6 MR. FREIDIN: Q. Just one thing, this
7 was an FMA?

8 MR. CLARK: A. That's correct.

9 Q. This map would have been prepared by
10 the company?

11 A. That's correct.

12 Q. Okay.

13 A. And just so you understand, when I
14 wanted to get this information I got directly in touch
15 with Sioux Lookout District and asked them for the
16 supplementary documentation on this particular issue
17 that was included in the plan and I also asked them for
18 the working maps that were available.

19 So I think you are getting a sense of
20 what either I could or a member of the public or the
21 Board could get if they requested.

22 Now, in the material that I have included
23 in the handout, certainly not all the documentation is
24 included, our intent was not to provide all the
25 documentation but to highlight the nature of the issue

1 that was being discussed.

2 What we are dealing with is Lac Seul
3 which is this large body of water here running -- and
4 that particular distance, straight line distance from
5 approximately one end to the other is about 100
6 kilometers, so we are dealing with a fairly extensive
7 area.

8 In terms of population centres, we have
9 got the town of Sioux Lookout here, the Town of Hudson
10 here, and you will note the saw mill is identified
11 because this is a focus for much of the discussion, and
12 the Town of Ear Falls.

13 And so what you really have here is a
14 large, fairly remote lake with a high quality pickerel
15 fishery and a fairly well developed tourism industry on
16 the lake and you will notice that we have identified a
17 number of tourism camps.

18 Q. They are identified by the...?

19 A. Green and yellow.

20 Q. All right.

21 A. And the other thing you will notice
22 is a saw mill in the Town of Hudson here which is the
23 significant component of the economic base in this area
24 which would primarily be related to the woods industry
25 and tourism and, at one time, mining, an iron/ore mine

1 in the Town of Ear Falls. That mine has since closed
2 and this is part of the story that unfolds in this
3 particular area.

4 Some other important things that you
5 should note. You have got the lake, the communities.
6 The area in blue here is the Lac Seul FMA or the Lac
7 Seul Forest which is the management unit we are dealing
8 with, and the area here outlined in green and shaded in
9 gray is the Lac Seul Indian Reserve.

10 And the area -- this corridor here in red
11 is the Vermilion River Road and that particular road
12 has been developed over a number of years and has as
13 its primary objective to access the core area of the
14 Lac Seul Management Unit, this area in here.
15 (indicating)

16 Now, I guess in understanding the
17 situation here - and I think this is typical of a lot
18 of situations you find - there is a number of actors
19 here and they all come together in this particular
20 proposal, even though we are highlighting the way that
21 this proposal related to native people. And I should
22 just point out who the actors are.

23 The saw mill here and the primary actor
24 in association with the saw mill in Hudson is McKenzie
25 Forest Products and, of course, their concern here is

1 wood -- continuity of wood supply and also cost
2 efficiency, the cost of getting wood to the mill.

3 The Town of Ear Falls having lost the
4 iron/ore mine is in need of additional employment
5 opportunities and is seeking ways of diversifying its
6 economy and taking advantage of additional
7 opportunities that may exist in this general area.

8 The Lac Seul Indian Band here has some
9 particular concerns relating to road access to the
10 reserve and has been pursuing those over a number of
11 years.

12 Q. This is access from where now?

13 A. From Hudson/Sioux Lookout.

14 Q. Okay.

15 A. Access through this area here.

16 (Indicating)

17 And the tourism industry has significant
18 concerns concerning the maintenance of a healthy
19 fishery, the maintenance of the remote wilderness
20 character of the lake itself and the maintenance of
21 aesthetics. So you have rolled up into one ball many
22 of the issues that I have identified in a variety of
23 tables that are included in my evidence.

24 Now, in this particular example here, in
25 the development of its TMP, one of the primary

1 interests of the company has been to -- as I say, is
2 cost efficiency and the cost of wood and getting that
3 wood to the mill. And, in doing so, they spent a
4 considerable amount of time - and I'm talking in
5 general terms here - looking at various options for
6 getting wood to the mill. And primary access is via
7 the Vermilion River Road which means when you are
8 harvesting wood in this particular area you're having
9 to haul it all the way around here (indicating) to the
10 mill at considerable expense to the company.

11 At the same time you have got the Indian
12 Reserve having concerns about improving access, as I
13 say, in this direction. So that's the basic background
14 information.

15 Are there any questions before I proceed?

16 Q. I just have one question: To haul
17 that wood around the lake, is there any approximate
18 mileage that you can give us?

19 A. I think we are talking approximately
20 from this area here of about 140 miles.

21 Okay. Now, if you can keep some of that
22 background information in mind, what I would like to do
23 is just walk slowly through some of the material that
24 was included in this interrogatory and then try and
25 provide some summary comments in terms of what I think

1 this means both with regard to native people and in a
2 more general way.

3 Q. In the material that we have
4 provided, the summary is on the first two pages, that
5 is similar to the saw mill site and it was prepared by
6 you?

7 A. That's correct. And if you want to
8 get a quick insight into what this proposal is all
9 about, that's the best piece of material to read.

10 Q. Now, the material which follows, as I
11 understand it, forms -- is supplementary
12 documentation--

13 A. That's correct.

14 Q. --which accompanied the actual plan?

15 A. That's correct. And I should stress
16 that this is some of the supplementary documentation
17 but not all of it, and when we put together this
18 particular interrogatory we really wanted to highlight
19 some of the material and some - that's included in the
20 documentation, but more particularly we wanted to look
21 at what the process was and what kinds of analysis were
22 done.

23 So if I may, I would like to move on to
24 the first piece of material that's appended to that
25 summary, and that's a document called McKenzie Forest

1 Products and Lac Seul Band Ferry Proposal. And this is
2 a study that was done by McKenzie Forest Products in
3 collaboration with the Lac Seul Indian Band. And I
4 this that's the first point I want to make here, is
5 that once again it demonstrates a situation where the
6 Indian Band has worked directly with the company in
7 pursuing their interests which, in this particular
8 case, are parallel.

9 Now, this particular report provides
10 background information on this particular proposal and
11 it deals with two basic concerns; one is the cost of
12 moving wood to the mill in Hudson and the other has to
13 do with the potential socio-economic benefits that may
14 accrue to native people on the Lac Seul Indian Reserve.

15 And, in addressing that particular issue,
16 this particular document looks at a number of
17 alternatives and this particular map which was used at
18 the open houses identifies a number of those
19 alternatives.

20 And they -- I am not going to go into
21 them in detail - but they looked at using the Vermilion
22 River Road - and they used that basically as a
23 baseline - they looked at the feasibility of rafting
24 logs on Lac Seul, they looked at a couple of options
25 that involved crossings on Lac Seul that involved

1 basically bridging a portion of the lake at narrows,
2 specifically at Chamberlain Narrows and Birch Narrows,
3 they looked at the development of an ice road to be
4 used during the winter months that would cross the
5 lake, and they looked at a proposal involving the use
6 of a ferry proposal that would also cross Lac Seul.

7 And this is a little backward, but these
8 various proposals are shown on this particular map.
9 The rafting proposal, of course, would simply involve
10 rafting logs and then drawing them upstream to the mill
11 at Hudson. There were a couple of proposals involving
12 crossings at Birch and Chamberlain Narrows, two areas
13 here and here. (indicating)

14 Q. They are marked with -- Chamberlain
15 Narrows is Alternative 3 -- I am sorry, are they
16 actually marked on the map?

17 A. Yes, they are. I don't know that we
18 need go into a lot of detail here. The important --
19 and then there was an ice road identified in this
20 particular area here (indicating) and also a ferry
21 proposal in this particular area.

22 And I think you can see that the
23 objective and the exercise was to try and avoid having
24 to go all the way around the east end of the lake and
25 move the material there more quickly.

1 So the company's objective was simply to
2 cut the distance and the cost. The Indians of the Lac
3 Seul Band, their concern was road access in this
4 particular area.

5 And so one of the happy coincidences that
6 two parties had in common was a desire to move this in
7 this direction, so that one of the options -- in fact
8 two of them involved in this case a ferry crossing or
9 an ice road that would link this area here to this area
10 down here. (indicating)

11 And so the company's concern would be
12 looked after and, to some extent, the concerns of the
13 Lac Seul Band would also be looked after. So that
14 was -- there were two options that dealt with that
15 specific issue.

16 Now, in dealing with these proposals,
17 there were a number of concerns that had to be
18 addressed. There was the concern of cost efficiencies
19 related to the movement of the wood; there was a
20 concern of long-term wood supply; there was a concern
21 on the part of the communities concerning employment
22 opportunities, particularly to Ear Falls/Hudson/Sioux
23 Lookout.

24 There is a Lake Management Plan for Lac
25 Seul which, to a large extent, focuses on the need to

1 protect the quality of the fishery and minimize access
2 to the lake in order to protect the significant
3 recreational potential and tourism potential of that
4 lake.

5 So associated with the concern for that
6 plan was the concern about additional access to the
7 lake. And finally there were a number of general
8 concerns that involved the reduction of wilderness
9 qualities; aesthetics, access and noise.

10 So as I said earlier, all of those things
11 were basically rolled up into this particular problem.

12 Q. And those particular concerns are all
13 referenced and described within the supplementary
14 documentation which has been provided?

15 A. That's correct. Now, this particular
16 study that I am referencing here that was done by the
17 company in cooperation with the Lac Seul Band looks at
18 all those options and attempts to screen them so that
19 they end up with in fact three options: One that
20 involves using Lac Seul Road, another that involves a
21 crossing at Chamberlain Narrows, and a third - and the
22 one that was ultimately approved - involved a ferry
23 crossing and a road through the reserve and a winter
24 road, at least -- I should say an ice road.

25 Now, the point I want to make I guess in

1 terms of this particular study was simply the fact that
2 if you go through this particular material there is a
3 fair amount of detailed analysis of the costs and of
4 the socio-economic and environmental concerns related
5 to each of the proposals.

6 There is a substantial amount of
7 background information here which was made available to
8 the public and the various people that had concern
9 about this issue at the open house. So that while it
10 was done by the company in cooperation with the Band,
11 it was readily available to the public.

12 The next point I would want to make was
13 when this study was done, in its role as a facilitator
14 the Ministry of Natural Resources hired a consultant to
15 verify the costs or figures in this particular report
16 and that was simply, as I have pointed out before, to
17 deal with our comfort level and satisfy ourselves that
18 the material in the report was a reasonably accurate
19 reflection of the costs.

20 Now, the report itself is not included in
21 the documentation that I submitted here.

22 MR. FREIDIN: Mr. Chairman, just for ease
23 of reference, if you look at the material, if you turn
24 to - there is a Table of Contents - but if you turn to
25 the first page of the actual supplementary

1 documentation which is entitled: Background you will
2 see starting under the heading: Selection of Feasible
3 Alternatives there are six alternatives which are
4 considered and for each of them there is a description
5 of advantages and disadvantages. At the end of that is
6 a section which indicates: Selection of Alternatives
7 for Detailed Analysis where some of those alternatives
8 were eliminated and it resulted in the three
9 alternatives which are described as 1, 2 and 3 on this
10 map and which are described in further detail on the
11 following pages.

12 THE CHAIRMAN: It almost looks like a
13 mini-EA, doesn't it?

14 MR. FREIDIN: It sure does.

15 Q. All right. Sorry, could you
16 continue, Mr. Clark.

17 MR. CLARK: A. And the other point I
18 would make about some of this material is, there is a
19 wood flow analysis included, there is some more detail
20 concerning the nature of the ferry that would be used
21 and I think it represents a fairly comprehensive
22 analysis, at least for a first go, at looking at the
23 various proposals. And I don't think that this is
24 untypical of the level of analysis that would normally
25 be done when you're dealing with an issue of this

1 magnitude.

2 The next page I would like to reference,
3 it's in handwriting on the right-hand side, is page 29
4 and it follows directly after the Ferry Proposal study.
5 Now, what this is, this is a portion of Appendix D in
6 the Lac Seul Timber Management Plan, so it is some of
7 the supplementary documentation that's included in that
8 plan.

9 And this particular appendix provides a
10 detailed description of the proposal and provides
11 details concerning the public review proposal and it
12 provides a key -- a summary of the key elements that
13 will be instituted, the mitigative measures that will
14 be taken with regard to issues that are identified
15 here, and I included this because I thought it was
16 important to note -- you can see very quickly the
17 actors or the stakeholders that are involved in this
18 particular decision, and at least in the initial
19 discussions, you can see very quickly where people fell
20 on the side of either supporting or rejecting the
21 proposal.

22 And the next point I would like to make
23 is that if you look at some of the subsequent material
24 on that page you will see that there are specific
25 directions provided concerning the actions that

1 McKenzie Forest Products will take in order to mitigate
2 the concerns that have been identified by a number of
3 parties.

4 So that access to both terminals will be
5 strictly controlled and it speaks to that particular
6 issue. And I should note that the terminals that the
7 ferry would run from are both, in effect, on private
8 land. In the north side they are on property owned by
9 McKenzie Forest Products and on the south side on the
10 Indian Reserve itself and both parties in this
11 particular instance agreed to take the appropriate
12 measures to restrict use on the road, which was one of
13 the concerns identified.

14 I am not going to go through all of
15 these. There were provisions made concerning noise,
16 the noise that would result from the operation of the
17 ferry, which was a concern that was identified by a
18 number of the tourist operators. There was provision
19 made in Item 3 concerning the maintenance of
20 aesthetics, keeping fuel and equipment storage areas
21 away from the visible area surrounding the terminal.

22 You will note in Item 4, the next page,
23 concern over the historical Hudson's Bay Post, church
24 and Indian burial ground has been addressed by McKenzie
25 Forest Products contacting the Ministry of Culture and

1 Communications for referral to a reputable
2 archaeological consulting firm. Just sort of
3 mentioning that to show, I think as a normal course
4 these things do get dealt with.

5 McKenzie Forest Products - I wanted to
6 emphasise 5 - is committed to employing local labour
7 and this will include a number of individuals from the
8 Lac Seul Band in the Ear Falls area.

9 So what that material really does is
10 summarize a lot of the issues and, in a general way,
11 summarizes how they will be dealt with and I should
12 point out that in the Timber Management Plan and the
13 supplementary documentation there are -- the details
14 concerning the prescriptions related to this particular
15 issue are included in the plan, they are not all
16 included here.

17 The next point I want to move on to is a
18 set of the minutes which are on handwritten page 32.
19 The point I want to make with regard to the minutes,
20 just looking at who was in attendance, you see that the
21 Ministry of Natural Resources was well represented,
22 tourist operators on the lake were represented, the
23 native -- the Lac Seul Indian Band was represented by
24 an economic development officer, a councillor, their
25 Chief and their legal counsel and, in addition, of

1 course, the McKenzie Forest Products was involved.

2 And I think that it is worth reading
3 through these minutes because they give you a good
4 insight into the problems that we have to deal with in
5 arriving at an appropriate solution to a problem of
6 this kind.

7 The one point that I would note is that
8 you get quite a lot of variation in opinion here and it
9 is probably impossible to come up with a solution
10 that's going to be entirely satisfactory to all
11 parties, so that what we ultimately had in this
12 particular case was a compromise.

13 I recognize that this has been a rather
14 brief summary of what is in fact a pretty complex
15 problem and I think it is something worth looking at
16 when you have more time.

17 There are a number of points I think are
18 worth making though. The first point I want to make is
19 the same point I made earlier with regard to the
20 Pow-Wow site and that is that in this particular
21 instance native people were directly involved and made
22 a point of being involved. You can see from the
23 correspondence, from the minutes and the other
24 supplementary documentation that's included here that
25 they were significant actors in the decision.

1 The second point I would make is that the
2 proposal that was approved has the potential to provide
3 significant socio-economic benefits to native people in
4 term of harvest and access. The Lac Seul Indian Band
5 has a corporation called the Macqua Development
6 Corporation and they work directly with the McKenzie
7 Forest Products in terms of harvesting operations and I
8 believe that they have been directly involved in the
9 clearing of a portion of the road right-of-way and will
10 be involved in harvesting wood on the north side of Lac
11 Seul. So that in the short and longer term there are
12 significant benefits that can accrue to the Lac Seul
13 Band.

14 The decision that was reached was made
15 after I think a fairly detailed analysis of
16 alternatives and a considerable amount of public input.
17 And as I pointed out earlier, there was an open house
18 and if you go back to the supplementary documentation
19 in the plan you will find that there is a considerable
20 amount of correspondence and a considerable number of
21 meetings that were held concerning this particular
22 issue.

23 The process is well documented. As I
24 say, the material that was included in the
25 interrogatory is not comprehensive, but this material,

1 in addition to the other material in the plan, I think
2 provided me and could provide a member of the public
3 with a pretty good understanding of what the issues
4 were and how they were dealt with.

5 Just speaking next to the role of the
6 Ministry of Natural Resources in this process, our role
7 was that of a facilitator.

8 I think when you go through this
9 particular proposal it becomes quite clear that the
10 main parties were able to get together and communicate
11 quite effectively. To a large extent our role was to
12 ensure that that process occurred and I might also add
13 that we also, in this case, acted as a confirmer of
14 information in the sense that we were involved in
15 hiring a consultant to verify some of the cost figures
16 that were included in the ferry proposal.

17 In terms of some general comments
18 concerning this proposal, the first point I would make
19 here is the first point I made when I got into my
20 evidence on socio-economic effects. Harvest, and this
21 this case access, are very closely related and are very
22 difficult to separate when you are dialing with them.

23 And you can see that the effect -- the
24 socio-economic effect here was the fact that we would
25 be able to harvest wood and move it in a cost effective

1 THE CHAIRMAN: Very well. But you have
2 concluded the examination-in-chief of this panel?

3 MR. FREIDIN: That is correct.

4 THE CHAIRMAN: Okay.

5 Well, ladies and gentlemen we will
6 adjourn for the weekend. This is one of the weeks
7 where we indicated that we will be arriving Monday
8 evening so that we can start Tuesday morning at 9:00
9 a.m. and we will commence on Tuesday with Mr. Tuer's
10 examination of this panel.

11 I don't know where Mr. Mander is, but if
12 counsel would wait here for a moment I will send him
13 down with this document that you might take a quick
14 look at.

15 Thank you.

16 MR. FREIDIN: Was there any time period
17 within which you wanted us to get back to you about
18 those minutes, I mean about this letter that you're
19 going to give us?

20 THE CHAIRMAN: Well, right now. We would
21 like to settle it so we can get it out as soon as we go
22 back to Toronto.

23 MR. FREIDIN: Okay.

24 ---Whereupon the hearing adjourned at 1:10 p.m., to be
25 reconvened on Tuesday, April 3rd, 1989, commencing
at 9:00 a.m.

1 manner and yet most of what I talked about here was
2 access.

3 I think that in practical terms the
4 activities of access, harvest, renewal and maintenance
5 have to be viewed collectively when you are making
6 decisions.

7 The next general point I would make is
8 that this is a very typical example of an instance when
9 there are many actors; there is the communities,
10 tourist operators, the Indian Band, the Ministry, the
11 company, all of whom have their own agendas, you want,
12 and there is a need to reconcile these and it is not
13 always possible to reach consensus.

14 More often than not we end up with a
15 compromise that we think is satisfactory to the
16 majority of parties.

17 MR. FREIDIN: Mr. Chairman, those are the
18 questions that I have for this panel.

19 I have a couple of interrogatories that I
20 intended to file and I don't have them organized in a
21 fashion that I can file them. I think there is only
22 about two or three of them. I don't believe that any
23 one will be prejudiced by the delay, if I could be
24 given until our recommencement next week to in fact
25 provide copies of those interrogatories.

